

*Index
to
Calendars/Schedules
of
DOI Agency Officials
Frequently Requested
Under the FOIA*

Compiled by
Office of the Secretary
FOIA office¹

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Gale Norton: Secretary of the Interior

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OFFICE OF THE SECRETARY

William D. Bettenberg: Director, Office of Policy Analysis

January 21, 2001-September 30, 2001 (1 file: 73 pages)

James E. Cason: Associate Deputy Secretary

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Chad Calvert: Deputy Assistant Secretary, Land and Minerals Management

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¹Established within the Information Security Division of the National Business Center, Washington, D.C.

Teresa Davies: Deputy Director, Office of Congressional and Legislative Affairs
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Matthew Eames: Director, Office of Congressional and Legislative Affairs
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Tom Fulton: Deputy Assistant Secretary, Land and Minerals Management
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J. Steven Griles: Deputy Secretary
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Paul Hoffman: Deputy Assistant Secretary, Fish, Wildlife, and Parks
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Kit Kimball: Director, Office of External and Intergovernmental Affairs
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Ann Klee: Counselor to the Secretary
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Julie MacDonald: Deputy Assistant Secretary, Fish, Wildlife, and Parks
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Craig Manson: Assistant Secretary, Fish, Wildlife, and Parks
January 1, 2002-June 25, 2004 (3 files: 116 + 47 + 52 = 215 pages)

Patricia Morrison: Deputy Assistant Secretary, Land and Minerals Management
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Drue Pearce: Senior Advisor to the Secretary for Alaska Affairs
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Bennett Raley: Assistant Secretary, Water and Science
July 16, 2001-March 29, 2004 (2 files: 98 + 316 = 414 pages)

Michael Rossetti: Counselor to the Secretary

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Lynn Scarlett: Assistant Secretary for Policy, Management and Budget

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David P. Smith: Deputy Assistant Secretary, Fish, Wildlife, and Parks

January 22, 2001-May 16, 2003 (1 file: 95 pages)

James Tate: Science Advisor

June 4, 2001-May 31, 2002 (1 file: 44 pages)

Camden Toohey: Special Assistant - Alaska

June 18, 2001-July 10, 2002 (1 file: 110 pages)

Brian Waidmann: Chief of Staff

January 21, 2001-July 10, 2002 (2 files: 47 + 70 = 117 pages)

Rebecca Watson: Assistant Secretary, Land and Mineral Management

February 25, 2002-November 24, 2004 (3 files: 72 + 48 + 203 = 323 pages)

Sue Ellen Wooldridge: Deputy Chief of Staff

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OFFICE OF THE SOLICITOR

William G. Myers, III: Solicitor

July 23, 2001-October 11, 2003 (4 files: 55 + 2 + 13 + 15 = 85 pages)

Sue Ellen Wooldridge: Solicitor

June 6, 2004-November 27, 2004 (1 file: 21 pages)

Robert Comer: Regional Solicitor, Denver

December 31, 2001-March 29, 2003 (1 file: 49 pages)

Fred Ferguson: Associate Solicitor, Division of Mineral Resources

May 1, 2003-May 9, 2003 (1 file: 2 pages)

Lawrence Jensen: Counselor

March 4, 2002-May 18, 2003 (1 file: 25 pages)

Mathew E. McKeown: Special Assistant

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Roderick E. Walston: Deputy Solicitor

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BUREAU OF LAND MANAGEMENT

Kathleen Clarke: Director, Bureau of Land Management

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Jim Hughes: Deputy Director, Programs and Policy, Bureau of Land Management

July 11, 2002 – November 24, 2004 (1 file: 149 pages)

Robert Anderson: Acting Assistant Director for Minerals, Realty and Resources Protection

November 4, 2000- September 13, 2002 (1 file: 62 pages)

Carson (Pete) Culp: Special Assistant for National Energy Policy

December 27, 1999-September 30, 2000

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Del Fortner: Manager, Fluid Minerals Group

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Eric Kaarlela: Director, Energy Office

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Conrad Lass: Chief of Staff, Bureau of Land Management

July 6, 2002-December 18, 2002 (1 file: 15 pages)

Richard Watson: Physical Scientist, Fluid Minerals Group

November 1, 2000-June 30, 2002 (1 file: 20 pages)

MINERALS MANAGEMENT SERVICE

Johnnie Burton: Director, Minerals Management Service

March 1, 2002-May 13, 2003 (*1 file: 138 pages*)

Walter D. Cruickshank: Deputy Director, Minerals Management Service

January 1, 2001-December 18, 2002 (*1 file: 140 pages*)

NATIONAL PARK SERVICE

Fran Mainella: Director, National Park Service

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BUREAU OF RECLAMATION

Mark A. Limbaugh: Deputy Commissioner, Bureau of Reclamation

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OFFICE OF SURFACE MINING

Jeff Jarrett: Director, Office of Surface Mining

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U.S. GEOLOGICAL SURVEY

Chip Groat: Director, U.S. Geological Survey

November 6, 2003 -March 29, 2004 (*1 file: 17 pages*)

EXPLANATION OF WITHHOLDINGS:

Deleted from some of the documents enclosed, pursuant to Exemption 2 of the FOIA (5 U.S.C. § 552 (b)(2)), is the following information:

Fixed conference call codes
Agency credit card numbers
Government cellular phone numbers
Homeland security-related information

Exemption 2 exempts from mandatory disclosure records that are “related solely to the internal personnel rules and practices of an agency.” Courts have interpreted the exemption to encompass two categories of information, internal matters of a relatively trivial nature (“low 2” information) and more substantial internal matters, the disclosure of which would risk circumvention of a legal requirement (“high 2” information).

Conference Call Codes

Conference call codes are codes that allow access to telephone conference calls.² Release of non-variable access codes linked to telephone conference calls scheduled at standard, fixed intervals could allow individuals not authorized to participate in these calls to eavesdrop on them, and so circumvent security precautions established to protect the privacy of agency deliberations. Therefore, we have determined that fixed conference call codes belong to the category of information likely to result in harmful circumvention under “high 2.”

Credit Cards

The Department of Justice has determined that agency credit card numbers belong to the category of information likely to result in harmful circumvention under “high 2”. Specifically, the Department of Justice lists agency credit card numbers as an example of “high 2” information. (Freedom of Information Act Guide and Privacy Act Overview, 128 (May 2000 ed.)) Additionally, the United States District Court for the District of Columbia has held agency credit card numbers to fall within the “high 2” exemption. The court based its determination on the possibility of misuse and fraud of agency credit cards. Judicial Watch, Inc. v. United States Dep’t. of Commerce, 83 F.Supp. 2d 105, 110 (D.D.C. 1999).

²Generally, access codes are variable, that is, they are viable only for a given conference call at a specified time on a specified date. The release of variable access codes, after their expiration, would not risk circumvention of a legal requirement because none of these numbers could be used to obtain access to a telephone conference call.

Cellular Phone Numbers

Two courts have held that telephone numbers constitute trivial administrative matters with no genuine public interest. Hale v. Department of Justice, 973 F.2d 894, at 902 (10th Cir., 1992); Voinche v. Federal Bureau of Investigations, 46 F.Supp.2d 26, at 30 (D.D.C. 1999). The redacted information pertains to the numbers assigned to the cellular phone numbers provided to federal employees by the government. The release of this information would not shed significant light on an agency personnel rule or practice; nor does the public have a substantial interest in the redacted information. Finally, the information redacted bears no relation to the substantive contents of the records released. Therefore, we have determined that government cellular phone numbers fall under the category of information withholdable under Exemption 2.

Homeland Security Information

Information concerning the need to protect facilities and national assets from security breaches and harm that reasonably could be expected to enable someone to succeed in causing the feared harm is necessarily protected under “high 2.” The redacted information could be used by those intending to plan an act of terrorism on U.S. soil to obtain an advantage over the government by gaining insight into what the government perceives as areas of vulnerability. This type of information is directly related to homeland security and is properly withheld under exemption 2.

Also, information has been deleted from one of these documents, pursuant to Exemption 5 of the FOIA (5 U.S.C. § 552 (b)(5)).

Exemption 5 allows an agency to withhold "inter-agency or intra-agency memorandums or letters which would not be available by law to a party . . . in litigation with the agency. (5 U.S.C. § 552 (b)(5)). As such, the privilege exempt[s] those documents . . . normally privileged in the civil discovery context. National Labor Relations Bd. v. Sears, Roebuck & Co., 421 U.S. 132 (1975) (NLRB). The exemption incorporates several of these privileges from discovery in litigation, including the deliberative process privilege. Id. at 149.

The deliberative process privilege protect[s] the decisionmaking process of government agencies and encourage[s] the frank discussion of legal and policy issues by ensuring that agencies are not forced to operate in a fish bowl. Mapother v. United States Dept. of Justice, 3 F.3d 1533, 1537 (D.C. Cir. 1993) (citing Wolfe v. United States Dept. of Health & Human Services, 839 F.2d 768, 773 (D.C. Cir. 1988) (en banc)) (Mapother). Three policy purposes have been advanced by the courts as the bases for this privilege: (1) to encourage open, frank discussions on matters of policy between subordinates and

superiors; (2) to protect against premature disclosure of proposed policies before they are finally adopted; and (3) to protect against public confusion that might result from disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency's action. See, e.g., Russell v. United States Dept. of the Air Force, 682 F.2d 1045, 1048 (D.C. Cir. 1982) (Russell); Coastal States Gas Corp. v. United States Dept. of Energy, 617 F.2d 854, 866 (D.C. Cir. 1980).

The deliberative process privilege protects materials that are both predecisional and deliberative. Mapother, 3 F.3d at 1537; Access Reports v. United States Dept. of Justice, 926 F.2d 1192, 1195 (D.C. Cir. 1991); Vaughn v. Rosen, 523 F.2d 1136, 1143-44 (D.C. Cir. 1975). A predecisional document is one prepared in order to assist an agency decisionmaker in arriving at his decision, and may include recommendations, draft documents, proposals, suggestions, and other subjective documents which reflect the personal opinions of the writer rather than the policy of the agency. Maricopa Audubon Society v. United States Forest Service, 108 F.3d 1089, 1093 (9th Cir. 1997). A predecisional document is part of the deliberative process if the disclosure of the materials would expose an agency's decisionmaking process in such a way as to discourage candid discussion within the agency and thereby undermine the agency's ability to perform its functions. Id.

The portion of the documents that has been withheld pursuant to Exemption 5 does not contain or represent formal or informal agency policies or decisions. Its content has been held confidential by all parties. Public dissemination of this information would most certainly have a chilling effect on the agency's deliberative processes. It would expose the agency's decision-making process in such a way as to discourage candid discussion within the agency and thereby undermine its ability to perform its mandated functions.

Also deleted from some of the documents enclosed, pursuant to Exemption 6 of the FOIA (5 U.S.C. § 552 (b)(6)), are the following categories of information pertaining to the individuals named in the records:

- dates of birth**
- birthdays**
- home addresses**
- home and cell telephone numbers**
- pager numbers**
- time and attendance data**
- hotel/rental car confirmation numbers**
- names of individuals not selected for employment**
- personal, family and medical appointments**
- personal information pertaining to families of individuals**

**names of security personnel providing protection to Secretary
information pertaining to individuals not selected for employment by the
Department (names, telephone numbers, etc.)**

Exemption 6 allows an agency to withhold "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." The courts have held that the phrase "similar files" involves all information that applies to a particular person.

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 individual's 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 in withholding.

The information that 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, therefore, the public interest to be served by its disclosure does not outweigh the privacy interest of the individuals in question, in withholding it.

In short, we have determined that release of the information that we have withheld would constitute a clearly unwarranted invasion of the privacy of these individuals, and that, therefore, it may be withheld pursuant to Exemption 6.

Also deleted from one of the documents enclosed pursuant to Exemption 7E of the FOIA (5 U.S.C. § 552 (b)(7)(E)), is the following information:

phone number of FBI employee

Exemption 7(E) affords protection to all law enforcement information that “would disclose techniques and procedures for law enforcement investigation or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.”

The Office of the Secretary has determined that the phone numbers of individuals employed by the Federal Bureau of Investigation are not routinely disclosed to the public because public access to this number could reasonably be expected to expose the individual to harassment and/or hinder the individual’s ability to carry out his/her law enforcement investigations.

We have concluded, therefore, that there are sound grounds for withholding it, pursuant to exemption 7E of the FOIA (5 U.S.C. § 552 (7)(E)).

Deleted, additionally, from one of the documents enclosed pursuant to Exemption 7F and 7C of the FOIA (5 U.S.C. § 552 (b)(7)(C) & (F)), is the following information:

names of security personnel providing protection to Secretary

Exemption 7(C) provides protection for personal information in law enforcement records. It allows an agency to withhold law enforcement information the disclosure of which “could reasonably be expect to constitute an unwarranted invasion of personal privacy.”

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

The Office of the Secretary has determined that disclosure of the names of the individuals assigned to protect the Secretary on specific occasions in the past could reasonably be expected to endanger not only the individuals to whom this information pertains but also the Secretary of the Interior, should these same individuals be assigned to protect the Secretary on future occasions.

We have concluded, therefore, that there are sound grounds for withholding it, pursuant to exemption 7C and 7F of the FOIA (5 U.S.C. § 552 (7)(C) & (F)).

Lisa Lance, Timothy Murphy, Cindy Cafaro, Robin Friedman, Donald S. Harris, and Stephanie Yu, Attorney-Advisors in the Office of the Solicitor, were consulted in

reaching these decisions. Sue Ellen Sloca, Office of the Secretary FOIA Officer, is responsible for making these decisions.

If you believe that any of these decisions to withhold 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, NW, Mail Stop 6556, MIB, Washington, D.C. 20240. Your appeal letter must be received no later than 30 calendar days (excluding Saturdays, Sundays and legal holidays) after your receipt of any records that are provided to you. 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 the particular decision in question is in error.

Lisa Lance, Tim Murphy, Cindy Cafaro, Robin Friedman, Donald S. Harris, and Dan Jacobs, Attorney-Advisors in the Office of the Solicitor, were consulted in reaching these decisions. Sue Ellen Sloca, Office of the Secretary FOIA Officer, is responsible for making these decisions.