



United States Department of the Interior

NATIONAL PARK SERVICE
12795 W. Alameda Parkway
P.O. Box 25287
Denver, Colorado 80225-0287

July 9, 2018

A7221 (2550)

Travis Annatoyn
Democracy Forward Foundation
700 13th Street, NW Suite 600
Washington, DC 20005-5998

Dear Mr. Annatoyn:

Reference: Freedom of Information Act

Subject: Response to Request NPS-2018-007644

This letter is in response to your Freedom of Information Act (FOIA) request dated May 21, 2018, in which you requested:

- 1. All communications, including attachments, providing direction or guidance to any Department of the Interior subdivision or subdivisions concerning the processing of or response to particular FOIA requests or to categories thereof, including but not limited to any such communications to or from Clarice Julka or Heather Swift.*
- 2. All communications, including attachments, requesting that one or more Department of the Interior subdivisions transfer custodianship of particular documents or categories thereof to the Office of the Secretary or individuals therein – or to the Office of the Deputy Secretary or individuals therein – including but not limited to any such communications to or from Clarice Julka or Heather Swift.*
- 3. All correspondence, memoranda, policies, or other documents, including attachments, generated by the Secretary's Office or by the Deputy Secretary, providing direction or guidance to employees within the Secretary's Office or the Deputy Secretary's Office, concerning the processing of or response to particular FOIA requests or to categories thereof, including but not limited to any such documents issued by or to Clarice Julka or Heather Swift.*

Upon further review, your request is granted in part and denied in part. We are providing you one file(s) totaling approximately 36 pages of responsive material. However, portions of two pages are being withheld under Exemption 5, which 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\(b\)\(5\)](#); see *Nat'l Labor Relations Bd. v. Sears Roebuck & Co.*, 421 U.S. 132, 149 (1975). Exemption 5 therefore incorporates the privileges that protect materials from discovery in litigation, including the deliberative process, attorney work-product, attorney-client, and commercial information privileges. We are withholding this information because it qualifies to be withheld under the following privilege:

Deliberative Process Privilege

The deliberative process privilege protects the decision-making process of government agencies and encourages the “frank exchange of ideas on legal or policy matters” by ensuring agencies are not “forced to operate in a fish bowl.” *Mead Data Cent., Inc. v. United States Dep’t of the Air Force*, 566 F.2d 242, 256 (D.C. Cir. 1977) (internal citations omitted). A number of policy purposes have been attributed to the deliberative process privilege. Among the most important are to: (1) “assure that subordinates . . . will feel free to provide the decisionmaker with their uninhibited opinions and recommendations”; (2) “protect against premature disclosure of proposed policies”; and (3) “protect against confusing the issues and misleading the public.” *Coastal States Gas Corp. v. United States Dep’t of Energy*, 617 F.2d 854, 866 (D.C. Cir. 1980).

The deliberative process privilege protects materials that are both predecisional and deliberative. The privilege covers records that “reflect the give-and-take of the consultative process” 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.” *Id.*

The conference call numbers being withheld constitute “intra-agency” documents because they are only shared with members of the Department or their consultants for the purpose of conducting official government business, including holding discussions that are deliberative and pre-decisional.

In addition to qualifying as “intra-agency” documents, it has been determined that the conference call numbers qualify as “confidential commercial information”, which also protectable by Exemption 5. In this case, the government entered the marketplace as an ordinary commercial buyer of private conference call numbers and pass codes. If the conference call numbers and/or pass codes were released, the government’s financial interest would be significantly harmed. The conference calls would no longer be private since unknown, non-governmental parties would have the ability to listen in to the calls.

Accordingly, the funds spent on purchasing the call-in numbers and pass codes would therefore have been wasted, and the conference call numbers and pass codes would be of no use. Because the release of the conference call numbers would significantly harm both the government’s financial interest and the deliberative process, the National Park Service is withholding the conference call numbers in accordance with Exemption 5 of the FOIA.

Pursuant to regulation, 43 CFR 2.24(b) the following person is responsible for this denial:

Charis Wilson
NPS FOIA Officer

Additionally the following attorney was consulted during the preparation of this response:

Jason Waanders, Attorney-Advisor, Office of the Solicitor
U.S. Department of the Interior, Washington, D.C.

You have the right to appeal this denial of your request. You may file an appeal by writing to:

Freedom of Information Act Appeals Officer

Office of the Solicitor
U.S. Department of the Interior
1849 C Street, NW
MS-6556-MIB,
Washington, D.C. 20240
foia.appeals@sol.doi.gov

Your appeal must be received no later than 90 workdays after the date of this final response. 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 copies of all correspondence between yourself and the National Park Service related to this request, along with any information you have which leads you to believe the records are available, including where they might be found, if the location is known to you. Please note, appeals received after 5 p.m. EST will be considered to have been received as of the following day.

Also as part of the 2007 OPEN Government Act FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a nonexclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation.

You may contact OGIS in any of the following ways:

Office of Government Information Services (OGIS)
National Archives and Records Administration
Room 2510
8601 Adelphi Road
College Park, MD 20740-6001

E-mail: ogis@nara.gov
Phone: 301-837-1996
Fax: 301-837-0348
Toll-free: 1-877-684-6448

Additionally, because the National Park Service creates and maintains law enforcement records, we are required by the Department of Justice to provide the following information, even though it may or may not apply to your specific request. Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that we are required to give all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

Please do not hesitate to contact me, both as the NPS FOIA Liaison and the person who processed your request, with any further questions or concerns. I can be reached at the address above or by phone at 303-969-2959. I can also be reached via e-mail at charis_wilson@nps.gov.

Sincerely,

Charis Wilson
NPS FOIA Officer

1 FOIA request from Keith Gooselaw regarding client.pdf

From: [Julka, Clarice](#)
To: [BIA FOIA](#); [Jessica Rogers](#); [FOIA, BLM, WO](#); [Ryan Witt](#); [OSM FOIA](#); [Oladele Awoniyi](#); [BOEM FOIA](#); [FOIA, BSEE](#); [Alcantara, Natasha](#); [FOIA, BOR](#); [Deborah Suehr](#); [Dorothy Tinker](#); [Hyde-Michaels, Carrie](#); [NPS FOIA](#); [Wilson, Charis](#); [OIG FOIA](#); [Stefanie Jewett](#); [SOL Foia](#); [Lance Purvis](#); [OST FOIA](#); [Veronica Herkshan](#); [GS-D-EL Freedom of Information Act](#); [Brian May](#)
Subject: FOIA request from Keith Gooselaw regarding client
Date: Thursday, March 30, 2017 6:49:14 AM

If you received the request from Keith Gooselaw of Interstate Executive Services, please note that OS wil respond on behalf of the Department. You may close it as referred to another bureau.

Thanks,

Clarice

Clarice Julka
Department of the Interior
Office of the Secretary, FOIA Office
1849 C Street, NW, MS-7328
Washington, D.C. 20240
Clarice_Julka@ios.doi.gov
(202) 513-0765 - phone
(202) 208-6045 - direct line
(202) 219-2374 - fax

2 coordination_ FOIA requests related to monuments..pdf

From: [Julka, Clarice](#)
To: [Jessica Rogers](#); [Ryan Witt](#); [Alcantara, Natasha](#); [Caro, Jesus](#); [Hyde-Michaels, Carrie](#); [Dorothy Tinker](#); [Wilson, Charis](#); [Stefanie Jewett](#); [Oladele Awoniyi](#); [Lance Purvis](#); [Brian May](#)
Cc: [Cindy Cafaro](#); [Robert Howarth](#)
Subject: coordination: FOIA requests related to monuments.
Date: Monday, November 06, 2017 12:21:01 PM

To FOIA Officers:

The OS FOIA office will coordinate all FOIA requests related to the Secretary's review of monuments under Executive Order 13792 issued on April 26, 2017, including those FOIA's that reference the Secretary's Interim and/or Final Report to the President. This would also include any FOIA requesting records pertaining to your bureau's participation in the review of any monument.

Once you have collected the records for these FOIA's, please forward them to the OS FOIA office for processing and final letter to the requester. If you have already processed one of these FOIA's, please provide me the FOIA number and the records provided to the requester.

This coordination does not include those requests seeking comments from the public that are available at [regulations.gov](https://www.regulations.gov) (<https://www.regulations.gov/docket?D=DOI-2017-0002>).

Please contact me if you have requests or receive requests in the future related to this issue.

Thank you.

Clarice

Clarice Julka
Department of the Interior
Office of the Secretary, FOIA Office
1849 C Street, NW, MS-7328
Washington, D.C. 20240
Clarice_Julka@ios.doi.gov
(202) 513-0765 - phone
(202) 208-6045 - direct line
(202) 219-2374 - fax

3 Re_coordination_ FOIA requests related to monu...(2).pdf

From: [Julka, Clarice](#)
To: [Jessica Rogers](#); [Ryan Witt](#); [Alcantara, Natasha](#); [Caro, Jesus](#); [Hyde-Michaels, Carrie](#); [Dorothy Tinker](#); [Wilson, Charis](#); [Stefanie Jewett](#); [Oladele Awoniyi](#); [Lance Purvis](#); [Brian May](#)
Cc: [Cindy Cafaro](#); [Robert Howarth](#)
Subject: Re: coordination: FOIA requests related to monuments.
Date: Monday, November 27, 2017 9:24:35 AM

Rob Howarth asked me to remind everyone that all requests regarding the monuments, including any Secretarial visits. Thanks for your attention to this.

Clarice

Clarice Julka
Department of the Interior
Office of the Secretary, FOIA Office
1849 C Street, NW, MS-7328
Washington, D.C. 20240
Clarice_Julka@ios.doi.gov
(202) 513-0765 - phone
(202) 208-6045 - direct line
(202) 219-2374 - fax

On Mon, Nov 6, 2017 at 2:20 PM, Julka, Clarice <clarice_julka@ios.doi.gov> wrote:
To FOIA Officers:

The OS FOIA office will coordinate all FOIA requests related to the Secretary's review of monuments under Executive Order 13792 issued on April 26, 2017, including those FOIA's that reference the Secretary's Interim and/or Final Report to the President. This would also include any FOIA requesting records pertaining to your bureaus' participation in the review of any monument.

Once you have collected the records for these FOIA's, please forward them to the OS FOIA office for processing and final letter to the requester. If you have already processed one of these FOIA's, please provide me the FOIA number and the records provided to the requester.

This coordination does not include those requests seeking comments from the public that are available at [regulations.gov](http://www.regulations.gov) (<https://www.regulations.gov/docket?D=DOI-2017-0002>).

Please contact me if you have requests or receive requests in the future related to this issue.

Thank you.

Clarice

Clarice Julka
Department of the Interior
Office of the Secretary, FOIA Office
1849 C Street, NW, MS-7328
Washington, D.C. 20240
Clarice_Julka@ios.doi.gov
(202) 513-0765 - phone
(202) 208-6045 - direct line
(202) 219-2374 - fax

4 Re_coordination_ FOIA requests related to monu...(1).pdf

From: [Julka, Clarice](#)
To: [Jessica Rogers](#); [Ryan Witt](#); [Alcantara, Natasha](#); [Caro, Jesus](#); [Hyde-Michaels, Carrie](#); [Dorothy Tinker](#); [Wilson, Charis](#); [Stefanie Jewett](#); [Oladele Awoniyi](#); [Lance Purvis](#); [Brian May](#)
Cc: [Cindy Cafaro](#); [Robert Howarth](#)
Subject: Re: coordination: FOIA requests related to monuments.
Date: Monday, November 27, 2017 9:58:53 AM

Second try.. I think I pressed send too early..

Rob Howarth asked me to remind everyone about my November 6 email guidance. That guidance applies to all requests regarding the Secretary's review of monuments under Executive Order 13792, including those requests related to Secretarial visits to monuments for the purpose of the review. Thanks for your attention to this.

Clarice Julka
Department of the Interior
Office of the Secretary, FOIA Office
1849 C Street, NW, MS-7328
Washington, D.C. 20240
Clarice_Julka@ios.doi.gov
(202) 513-0765 - phone
(202) 208-6045 - direct line
(202) 219-2374 - fax

On Mon, Nov 27, 2017 at 11:24 AM, Julka, Clarice <clarice_julka@ios.doi.gov> wrote:
Rob Howarth asked me to remind everyone that all requests regarding the monuments, including any Secretarial visits. Thanks for your attention to this.

Clarice

Clarice Julka
Department of the Interior
Office of the Secretary, FOIA Office
1849 C Street, NW, MS-7328
Washington, D.C. 20240
Clarice_Julka@ios.doi.gov
(202) 513-0765 - phone
(202) 208-6045 - direct line
(202) 219-2374 - fax

On Mon, Nov 6, 2017 at 2:20 PM, Julka, Clarice <clarice_julka@ios.doi.gov> wrote:
To FOIA Officers:

The OS FOIA office will coordinate all FOIA requests related to the Secretary's review of monuments under Executive Order 13792 issued on April 26, 2017, including those FOIA's that reference the Secretary's Interim and/or Final Report to the President. This would also include any FOIA requesting records pertaining to your bureaus' participation in the review of any monument.

Once you have collected the records for these FOIA's, please forward them to the OS FOIA office for processing and final letter to the requester. If you have already processed one of these FOIA's, please provide me the FOIA number and the records provided to the requester.

This coordination does not include those requests seeking comments from the public that are available at [regulations.gov](https://www.regulations.gov) (<https://www.regulations.gov/docket?D=DOI-2017-0002>).

Please contact me if you have requests or receive requests in the future related to this issue.

Thank you.

Clarice

Clarice Julka
Department of the Interior
Office of the Secretary, FOIA Office
1849 C Street, NW, MS-7328
Washington, D.C. 20240
Clarice_Julka@ios.doi.gov
(202) 513-0765 - phone
(202) 208-6045 - direct line
(202) 219-2374 - fax

5 Re_Possible transfer to OS 18-102 Rosenbaum Ka....pdf

From: [Julka, Clarice](#)
To: [Wilson, Charis](#)
Subject: Re: Possible transfer to OS 18-102 Rosenbaum Katahdin Woods establishment FOIA
Date: Tuesday, December 05, 2017 11:59:08 AM

Yes.

Clarice Julka
Department of the Interior
Office of the Secretary, FOIA Office
1849 C Street, NW, MS-7328
Washington, D.C. 20240
Clarice_Julka@ios.doi.gov
(202) 513-0765 - phone
(202) 208-6045 - direct line
(202) 219-2374 - fax

On Tue, Dec 5, 2017 at 1:45 PM, Wilson, Charis <charis_wilson@nps.gov> wrote:
Just to be clear, since this is pre-EO and monument review NPS can proceed with processing as normal and will not need to have OS handle it. Am I correct?

Ms. Charis Wilson, Ph.D., CRM
NPS FOIA Officer
[12795 W. Alameda Parkway](#)
PO Box 25287
Denver, CO 80225-0287
303-969-2959
Fax: 303-969-2557
1-855-NPS-FOIA

"What we find changes who we become." - Peter Morville

"The historian works with records...there is no substitute for records: no records, no history."
- Paraphrasing Langlois & Seignobos (1903)

"Let us be guardians, not gardeners" - Unknown, From 1963 Living Wilderness editorial -
Attributed to Adolph Murie

On Tue, Dec 5, 2017 at 10:27 AM, OS, OS FOIA <osfoia@ios.doi.gov> wrote:

Hi Charis,

I spoke to Clarice on this one and since it deals with actions before the executive order, we will enter and handle these requests separately. Please let me know if you have any questions.

Thanks,
Cindy

On Thu, Nov 30, 2017 at 7:01 PM, Wilson, Charis <charis_wilson@nps.gov> wrote:

Hi Clarice,

Initially I did not think this needed to be transferred to OS since it is asking for records relating to the *creation* of KAWW and not the "review" of the park. But since such documents could impact a "review" of KAWW, I wanted to check to see if this is one that you feel we should also have OS handle?

Thanks,

C.

Ms. Charis Wilson, Ph.D., CRM
NPS FOIA Officer
[12795 W. Alameda Parkway](#)
PO Box 25287
Denver, CO 80225-0287
303-969-2959
Fax: 303-969-2557
1-855-NPS-FOIA

"What we find changes who we become." - Peter Morville

"The historian works with records...there is no substitute for records: no records, no history." - Paraphrasing Langlois & Seignobos (1903)

"Let us be guardians, not gardeners" - Unknown, From 1963 Living Wilderness editorial
- Attributed to Adolph Murie

--

Department of the Interior
Office of the Secretary, FOIA Office
[1849 C Street, NW](#), MS-7328
Washington, D.C. 20240
os_foia@ios.doi.gov
(202) 513-0765 - phone
(202) 219-2374 - fax

6 Re_coordination_FOIA requests related to monu....pdf

From: [Julka, Clarice](#)
To: [Purvis, Lance](#); [Wilson, Charis](#)
Subject: Re: coordination: FOIA requests related to monuments.
Date: Thursday, December 07, 2017 4:58:01 AM

Initially, I thought this one predated the review and wouldn't be coordinated, but after discussions, I think we should coordinate this one. Charis, sorry, I'm giving you mixed advice, but I was told something else initially.

We still don't have a detail in place, but expect that to happen shortly. Once that person is in place, she will email everyone and then please go ahead and forward her the records (after proposed redactions)..

Clarice

Clarice Julka
Department of the Interior
Office of the Secretary, FOIA Office
1849 C Street, NW, MS-7328
Washington, D.C. 20240
Clarice_Julka@ios.doi.gov
(202) 513-0765 - phone
(202) 208-6045 - direct line
(202) 219-2374 - fax

On Wed, Dec 6, 2017 at 5:24 PM, Purvis, Lance <lance.purvis@sol.doi.gov> wrote:

Hi Clarice,

The request attached below came in back in early October. I'm getting some traction on it from my attorneys, and as I was looking back at it, your email concerning monuments came to mind. Do you all have this one, and if not, does it fit the criteria for the monument related FOIA's that OS is now handling?

Lance

Lance Purvis
Office of The Solicitor
U.S. Department of The Interior
1849 C Street, N.W.
Washington D.C., 20240
(O)(202)208-5817
(F)(202)208-5206
lance.purvis@sol.doi.gov

On Mon, Nov 27, 2017 at 11:58 AM, Julka, Clarice <clarice_julka@ios.doi.gov> wrote:

Second try.. I think I pressed send too early..

Rob Howarth asked me to remind everyone about my November 6 email guidance. That guidance applies to all

requests regarding the Secretary's review of monuments under Executive Order 13792, including those requests related to Secretarial visits to monuments for the purpose of the review. Thanks for your attention to this.

Clarice Julka
Department of the Interior
Office of the Secretary, FOIA Office
[1849 C Street, NW](#), MS-7328
Washington, D.C. 20240
Clarice_Julka@ios.doi.gov
(202) 513-0765 - phone
(202) 208-6045 - direct line
(202) 219-2374 - fax

On Mon, Nov 27, 2017 at 11:24 AM, Julka, Clarice <clarice_julka@ios.doi.gov> wrote:
Rob Howarth asked me to remind everyone that all requests regarding the monuments, including any Secretarial visits. Thanks for your attention to this.

Clarice

Clarice Julka
Department of the Interior
Office of the Secretary, FOIA Office
[1849 C Street, NW](#), MS-7328
Washington, D.C. 20240
Clarice_Julka@ios.doi.gov
(202) 513-0765 - phone
(202) 208-6045 - direct line
(202) 219-2374 - fax

On Mon, Nov 6, 2017 at 2:20 PM, Julka, Clarice <clarice_julka@ios.doi.gov> wrote:
To FOIA Officers:

The OS FOIA office will coordinate all FOIA requests related to the Secretary's review of monuments under Executive Order 13792 issued on April 26, 2017, including those FOIA's that reference the Secretary's Interim and/or Final Report to the President. This would also include any FOIA requesting records pertaining to your bureaus' participation in the review of any monument.

Once you have collected the records for these FOIA's, please forward them to the OS FOIA office for processing and final letter to the requester. If you have already processed one of these FOIA's, please provide me the FOIA number and the records provided to the requester.

This coordination does not include those requests seeking comments from the public that are available at [regulations.gov](https://www.regulations.gov) (<https://www.regulations.gov/docket?D=DOI-2017-0002>).

Please contact me if you have requests or receive requests in the future related to this issue.

Thank you.

Clarice

Clarice Julka
Department of the Interior
Office of the Secretary, FOIA Office

[1849 C Street, NW](#), MS-7328
Washington, D.C. 20240
Clarice_Julka@ios.doi.gov
(202) 513-0765 - phone
(202) 208-6045 - direct line
(202) 219-2374 - fax

8 Re_Guidance Regarding Department-Level Politic....pdf

From: [Cafaro, Cindy](#)
To: [May, Brian](#)
Cc: [Lance Purvis](#); [Andrea Quick](#); [Awoniyi, Oladele](#); [Curtis Pierce](#); [Alspach, David](#); [Cathy Willis](#); [Veronica Herkshan](#); [Caro, Jesus \(Jesse\)](#); [Ryan Witt](#); [Moshay Simpson](#); [Charis Wilson](#); [Clarice Julka](#); [Hyde-Michaels, Carrie](#); [Stefanie Jewett](#); [Lukens, Rachel](#); [Tinker, Dorothy J](#); [Jessica Rogers](#); [Patricia Kemp](#); [Robert Howarth](#); [Darrell Strayhorn](#); [Natasha Alcantara](#); [Darrell Bright](#); [Heindl, Jennifer](#); [Gabriel Lohr](#); [Mildred Washington](#); [Juliette Lillie](#); [Mayberry, Laura](#)
Subject: Re: Guidance Regarding Department-Level Political Appointee Review Policy?
Date: Wednesday, March 21, 2018 7:16:11 AM

Hi, Brian. I called every Bureau FOIA Officer yesterday afternoon to share the (very limited) information I found out yesterday and to let them know we would be discussing this at Friday's meeting. I left anyone who didn't pick up a voicemail asking them to call me. I look forward to speaking with everyone Friday, when I expected we will have more information. Thanks.

Cindy Cafaro | Departmental Freedom of Information Act Officer | US Department of the Interior

Direct: 202-208-5342 | Main: 202-208-3181

On Wed, Mar 21, 2018 at 9:10 AM, May, Brian <bmay@usgs.gov> wrote:

Good Morning Cindy,

Yesterday, the USGS Chief of Staff informed me that we (bureaus, not just USGS) are required to provide the Department-level political appointees with a list of open (new) FOIA requests each week and with the packages to review prior to their release. I asked for more details about the latter and how we'll work out the process/logistics of the Department-level reviews prior to releasing records. Have you heard about this new requirement and is the Department preparing any additional guidance for bureau FOIA Officers? Does the new policy impact all of us or only a select number of bureaus? Finally, will this topic be on the Agenda for Friday's meeting?

I'm teleworking this week and have to attend Content Manager (webpage management) Training each afternoon. Thank you for your time.

Sincerely,

brian
Brian A. May
Freedom of Information Act (FOIA) Officer
FOIA Public Liaison
U.S. Geological Survey
Department of the Interior
[5522 Research Park Drive](#)
[Baltimore, MD 21228](#)
(443) 498-5521 (office) ****voicemail not working, best to reach me by email****
(443) 498-5510 (fax)
bmay@usgs.gov

9 Agenda for today's meeting.pdf

From: [Cafaro, Cindy](#)
To: [Brian May](#); [Charis Wilson](#); [Natasha Alcantara](#); [Clarice Julka](#); [Lance Purvis](#); [Ryan Witt](#); [Oladele Awoniyi](#); [Veronica Herkshan](#); [Jessica Rogers](#); [Carrie Hyde-Michaels](#); [Tinker, Dorothy J](#); [Stefanie Jewett](#); [Ryan McQuighan](#)
Cc: [Justin Davis](#); [Robert Howarth](#); [Curtis Pierce](#); [Mary Carlson](#)
Subject: Agenda for today's meeting
Date: Friday, March 23, 2018 7:34:42 AM
Attachments: [FOIA Agenda March 2018.docx](#)

Hello, everyone. Our next FOIA Officer meeting will take place to day at 10:30 AM Eastern via phone and in the North Penthouse of the MIB (please note this is not our usual location).

We are looking forward to speaking with you.

To join the audio conference

1-(b) (5)
passcode: (b) (5)

Thank you.

Cindy Cafaro | Departmental Freedom of Information Act Officer | US Department of the Interior

Direct: 202-208-5342 | Main: 202-208-3181

9 1 Attachment FOIA Agenda March 2018.pdf

Agenda

FOIA Officers Meeting
10:30 a.m. March 23, 2018
MIB North Penthouse

- I. FOIA Development Document - Everyone
- II. Procedure for Upcoming Audits - Everyone
- III. Augmented Awareness Review -Cindy Cafaro
- IV. Volume, Backlog, and 10 Oldest - Cindy Cafaro & Justin Davis
- V. Proactive Disclosures and Transparency -Everyone
- VI. Housekeeping

10 Further Augmented Awareness Discussion.pdf

From: cindy_cafaro@ios.doi.gov
To: charis_wilson@nps.gov; bnay@uesg.gov; stefanie_jewett@doig.gov; carrie_hyde-michaels@fws.gov; cawon.vi@osmre.gov; tw.tl@blm.gov; mescobar@usbr.gov; dorothy.tinker@bsee.gov; lance.purvis@sol.doi.gov; natasha.alcantara@boem.gov; jessica.rogers@bia.gov; clarice_julka@ios.doi.gov
Cc: robert_howarth@ios.doi.gov
Subject: Further Augmented Awareness Discussion
Start: Tuesday, April 03, 2018 8:15:00 AM
End: Tuesday, April 03, 2018 9:15:00 AM
Attachments: [invite.cs](#)

HYPERLINK "https://www.google.com/calendar/event?action=VIEW&eid=MDFlhZlNsfVbjhYVWJ0OXVsbWQ4czVsczMgY2hhcmZlXC3dpbHNvbWUz292&tok=MjQyY2luZHIyY2FmYXJvQGlvcy5kb2kuZ292NzNlN0GEwZj4ZTM4M2VjNzNkZjMlMGEIMzhjOTIhMDc1YWYwZjRlZg&ctz=America%2FDenver&hl=en&es=1"more details »

Further Augmented Awareness Discussion

To join the session by phone:1 (b) (5) passcode: (b) (5)

When
Tue Apr 3, 2018 8:15am – 9:15am Mountain Time
Video call
HYPERLINK "https://hangouts.google.com/hangouts/_/doi.gov/cindy-cafaro/?hceid=Y2luZHIyY2FmYXJvQGlvcy5kb2kuZ292.01etv6sqn8dab9ulmd8s5q3"https://hangouts.google.com/hangouts/_/doi.gov/cindy-cafaro
Calendar
charis_wilson@nps.gov
Who
• cindy_cafaro@ios.doi.gov
• organizer
• bnay@uesg.gov
• stefanie_jewett@doig.gov
• carrie_hyde-michaels@fws.gov
• cawon.vi@osmre.gov
• twitt@blm.gov
• charis_wilson@nps.gov
• mescobar@usbr.gov
• dorothy.tinker@bsee.gov
• lance.purvis@sol.doi.gov
• natasha.alcantara@boem.gov
• jessica.rogers@bia.gov
• clarice_julka@ios.doi.gov
• robert_howarth@ios.doi.gov
• optional

Going?

HYPERLINK "https://www.google.com/calendar/event?action=RESPOND&eid=MDFlhZlNsfVbjhYVWJ0OXVsbWQ4czVsczMgY2hhcmZlXC3dpbHNvbWUz292&rst=1&tok=MjQyY2luZHIyY2FmYXJvQGlvcy5kb2kuZ292NzNlN0GEwZj4ZTM4M2VjNzNkZjMlMGEIMzhjOTIhMDc1YWYwZjRlZg&ctz=America%2FDenver&hl=en&es=1"Yes -
HYPERLINK "https://www.google.com/calendar/event?action=RESPOND&eid=MDFlhZlNsfVbjhYVWJ0OXVsbWQ4czVsczMgY2hhcmZlXC3dpbHNvbWUz292&rst=3&tok=MjQyY2luZHIyY2FmYXJvQGlvcy5kb2kuZ292NzNlN0GEwZj4ZTM4M2VjNzNkZjMlMGEIMzhjOTIhMDc1YWYwZjRlZg&ctz=America%2FDenver&hl=en&es=1"Maybe -
HYPERLINK "https://www.google.com/calendar/event?action=RESPOND&eid=MDFlhZlNsfVbjhYVWJ0OXVsbWQ4czVsczMgY2hhcmZlXC3dpbHNvbWUz292&rst=2&tok=MjQyY2luZHIyY2FmYXJvQGlvcy5kb2kuZ292NzNlN0GEwZj4ZTM4M2VjNzNkZjMlMGEIMzhjOTIhMDc1YWYwZjRlZg&ctz=America%2FDenver&hl=en&es=1"No
HYPERLINK "https://www.google.com/calendar/event?action=VIEW&eid=MDFlhZlNsfVbjhYVWJ0OXVsbWQ4czVsczMgY2hhcmZlXC3dpbHNvbWUz292&tok=MjQyY2luZHIyY2FmYXJvQGlvcy5kb2kuZ292NzNlN0GEwZj4ZTM4M2VjNzNkZjMlMGEIMzhjOTIhMDc1YWYwZjRlZg&ctz=America%2FDenver&hl=en&es=1"more options »

Invitation from HYPERLINK "https://www.google.com/calendar?Google+Calendar

You are receiving this email at the account charis_wilson@nps.gov because you are subscribed for invitations on calendar charis_wilson@nps.gov.

To stop receiving these emails, please log in to <https://www.google.com/calendar/> and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. HYPERLINK "https://support.google.com/calendar/answer/37135#forwarding"Learn More.

11 Follow-up.pdf

From: [Howarth, Robert](#)
To: [Clarice Julka](#); [Charis Wilson](#); [Ryan Witt](#); [Jessica Rogers](#); [Alcantara, Natasha](#); [Hyde-Michaels, Carrie](#); [Dele Awoniyi](#); [Lance Purvis](#); [Brian May](#); [Michelle Escobar](#); [Tinker, Dorothy](#); [Veronica Herkshan](#)
Cc: [Cindy Cafaro](#)
Subject: Follow-up
Date: Monday, March 26, 2018 4:27:21 PM
Attachments: [Follow-up.pdf](#)

Good afternoon. Please find attached for your guidance and use a list of political leadership in the Department. This is for internal use only.

Should there be any changes to this list, I will email you updates.

Regards, Rob

--

Robert Howarth
Deputy Director for Correspondence and FOIA Management
Office of the Executive Secretariat and Regulatory Affairs
Department of the Interior
1849 C Street, NW
Washington, DC 20240
202-208-3181
202-208-4451 (direct)
202-549-8961 (cell)

11 1 Attachment Follow-up_1.pdf

Political Staff

Secretary of the Interior

Secretary - Ryan K. Zinke

Special Assistant to the Secretary – Caroline Boulton

Immediate Office of the Secretary

Chief of Staff - Scott Hommel

Special Assistant to the Chief of Staff – Elinor Renner

Deputy Chief of Staff for Policy – Downey Magallanes

Deputy Chief of Staff for Operations – Michael Argo

Executive Assistant – Lacey Smethers (for Magallanes and Argo)

Senior Advisor – Rick May

Field Coordinator – Evan Wilson

Counselor to the Secretary for Energy Policy – Vincent DeVito

Advisor to Counselor– Joshua Campbell

Special Assistant to the Secretary – David Mihalic

White House Liaison – Lori Mashburn

Special Assistant to the Secretary (WHL) – Natalie Davis

Deputy Secretary

Deputy Secretary – David L. Bernhardt

Associate Deputy Secretary – James Cason

Assistant Deputy Secretary – Todd Willens

Special Assistant – Matt Dermody

Counselor – James Voyles

Counselor – Kate Mills

Counselor - Gary Lawkowski

Assistant Secretary – Policy, Management and Budget

NOMINATED - Susan Combs, Assistant Secretary for Policy, Management and Budget

(Senior Advisor to the Secretary)

Principal Deputy Assistant Secretary - Scott Cameron

Senior Advisor (Grants) – Steve Howke

Assistant Secretary – Water and Science

Assistant Secretary for Water and Science – Dr. Tim Petty

Deputy Assistant Secretary – Dr. Andrea Travnicek

Deputy Assistant Secretary – Austin Ewell

Advisor – Ryan Nichols

Special Assistant (Denver) – Alexander Sterhan

Commissioner, Bureau of Reclamation – Brenda Burman
Deputy Commissioner - Alan Mikkelsen
NOMINATED – James Reilly II, Director of the U.S. Geological Survey

Assistant Secretary – Land and Minerals Management

Assistant Secretary - Joseph Balash
Principal Deputy Assistant Secretary - Katharine MacGregor
Deputy Assistant Secretary – Casey Hammond
Senior Assistant – William “Billy” Dove
Deputy Director for Programs and Policy, Bureau of Land Management – Brian Steed
Senior Advisor – Kathleen Benedetto
Senior Advisor – Tom Baptiste
Director, Bureau of Safety and Environmental Enforcement – Scott Angelle
Special Assistant to the Director – Preston Beard
Senior Advisor, Bureau of Ocean Energy Management – James Schindler
NOMINATED – J. Steven Gardner – Director, Office of Surface Mining Reclamation and Enforcement
Senior Advisor – Landon “Tucker” Davis

Assistant Secretary for Fish and Wildlife and Parks

Principal Deputy Assistant Secretary – Jason Larrabee
Deputy Assistant Secretary – Aurelia Skipwith
Senior Advisor – Marshall Critchfield
Deputy Director, National Park Service – P. Daniel Smith
Senior Advisor, Congressional and Legislative Affairs, National Park Service - Charles Laudner
Special Assistant, National Park Service – Brian Pavlik
Principal Deputy Director, U.S. Fish and Wildlife Service - Greg Sheehan
Special Advisor – Zach Gambill

Assistant Secretary – Indian Affairs

NOMINATED – Tara Mac Lean Sweeney, Assistant Secretary – Indian Affairs
Principal Deputy Assistant Secretary – John Tahsuda
Counselor – Kyle Scherer

Assistant Secretary – Office of Insular and International Affairs

Assistant Secretary for Insular and International Affairs – Doug Domenech

Office of the Special Trustee for American Indians

None

Office of the Solicitor

NOMINATED – Ryan D. Nelson, Solicitor
Principal Deputy Solicitor – Dan Jorjani
Deputy Solicitor – Indian Affairs (Acting) - Kyle Scherer

Deputy Solicitor for Water – Brandon Middleton
Deputy Solicitor for Land Management – Cally Younger
Deputy Solicitor for Parks and Wildlife - Rick Goeken

Office of Congressional and Legislative Affairs

Director – John Tanner
Deputy Director – Micah Chambers
Deputy Director – Amanda Kaster-Averill
Advisor – Blake Deeley

Office of Intergovernmental and External Affairs

Director – Todd Wynn
Senior Deputy Director – Benjamin Cassidy
Deputy Director for External Affairs – Tim Williams
Special Assistant – Jason Funes

Office of Communications

Director - Laura Keehner Rigas
Deputy Director – Russell Newell
Press Secretary – Heather Swift
Deputy Press Secretary – Alex Hinson
Deputy Press Secretary – Faith Vander Voort
Senior Advisor – John Bockmeir
Writer – Eli Nachmany

Office of Scheduling and Advance

Deputy Chief of Staff for Operations – Mike Argo
Director of Advance – Vacant
Director for Scheduling – Leila Sepchri Getto
Advance Representative – Aaron Thiele
Advance Representative – Luke Bullock

Alaska Affairs Office

Senior Advisor – Steve Wackowski

Secretary's Indian Water Rights Office

None

Land Buy-Back Program

None

12 Re_ Update on new review process.pdf

From: [Cafaro, Cindy](#)
To: [Wilson, Charis](#)
Subject: Re: Update on new review process
Date: Friday, April 06, 2018 5:17:19 AM

As soon as there is, I will share it. Hope you have a good trip home.

Cindy Cafaro | Departmental Freedom of Information Act Officer | US Department of the Interior

Direct: 202-208-5342 | Main: 202-208-3181

On Thu, Apr 5, 2018 at 6:13 PM, Wilson, Charis <charis_wilson@nps.gov> wrote:
Any more information on the proposed new process?

C.

Ms. Charis Wilson, Ph.D., CRM
NPS FOIA Officer
[12795 W. Alameda Parkway](#)
PO Box 25287
Denver, CO 80225-0287
303-969-2959
Fax: 303-969-2557
1-855-NPS-FOIA

"What we find changes who we become." - Peter Morville

"The historian works with records...there is no substitute for records: no records, no history."
- Paraphrasing Langlois & Seignobos (1903)

"Let us be guardians, not gardeners" - Unknown, From 1963 Living Wilderness editorial -
Attributed to Adolph Murie

13 Awareness Process for Freedom of Information Ac....pdf

From: [Cafaro, Cindy](#)
To: [Scott Cameron](#); [Combs, Susan](#); [John Tahsuda](#); [Joseph Balash](#); [Timothy Petty](#); [Douglas Domenech](#); [Paul \(Dan\) Smith](#); [Jim Kurth](#); [Tony Dearman](#); [Brian Steed](#); [Walter Cruickshank](#); [Scott Angelle](#); [Glenda Owens](#); [James Reilly](#); [Brenda Burman](#); [Nikolao Pula](#); [Darryl LaCounte](#); [Jerold Gidner](#); [Daniel Jorjani](#); [John Tanner](#); [Laura Rigas](#); [Todd Wynn](#); [Stephen Wackowski](#); [Greg Gould](#); [pamela williams](#); [Juliette Lillie](#); [John McClanahan](#); [Samantha Hebert](#); [Vincent Devito](#); [May, Brian](#); [Charis Wilson](#); [Stefanie Jewett](#); [Natasha Alcantara](#); [Caro, Jesus D \(Jesse\)](#); [Clarice Julka](#); [Tinker, Dorothy J](#); [Hyde-Michaels, Carrie](#); [Lance Purvis](#); [Ryan Witt](#); [Heather Garcia](#); [Oladele Awoniyi](#); [Meleanie Lowery](#); [Janet Lin](#)
Cc: [Burns, Sylvia](#); [Timothy Murphy](#)
Subject: Awareness Process for Freedom of Information Act Productions
Date: Thursday, May 24, 2018 8:16:44 AM
Attachments: [Awareness Process Memo Final.pdf](#)

Good morning. Please find attached a memorandum formalizing the Department's awareness process for FOIA productions.

The memorandum provides background on the awareness process and instructions on how to conduct it.

If you have any questions or need assistance, please contact your Bureau FOIA Officer or me.

Thank you.

Cindy Cafaro | Departmental Freedom of Information Act Officer | US Department of the Interior

Direct: 202-208-5342 | Main: 202-208-3181

13 1 Attachment Awareness Process Memo Final.pdf



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 24 2018

Memorandum

To: Assistant Secretaries
Heads of Bureaus and Offices
Bureau/Office FOIA Officers

From: Cindy Cafaro
Departmental FOIA Officer

Subject: Awareness Process for Freedom of Information Act Productions

For more than 6 years, the Department of the Interior (Department) leadership and the Solicitor's Office (SOL) have been made aware of impending Freedom of Information Act (FOIA) responses on a case-by-case basis. This has allowed the Department's leadership and SOL to efficiently respond to queries and legal ramifications arising from FOIA responses. Given the unprecedented number of incoming FOIA requests¹ and increased FOIA litigation the Department has faced in the past year,² we are formalizing the awareness process to ensure it is consistent and effective.³

The Department will continue to process FOIA requests as usual, including: directing searches for responsive records;⁴ searching for and providing responsive records;⁵ processing responsive records;⁶ and reviewing proposed responses.⁷ After these steps are completed, the awareness process is as follows:

- 1) FOIA personnel search responsive emails and attachments to emails for the names and email addresses of current Department employees who are Presidentially Appointed,

¹ In Fiscal Year (FY) 2016, the Department received 6,428 FOIA requests; in FY 2017, 8,005 FOIA requests; and in FY 2018, to date, more than 5,000 FOIA requests. Some Bureaus have particularly large increases in FOIA requests. For example, in FY 2016, the Office of the Secretary (OS) received 512 FOIA requests; in FY 2017, 1,226 FOIA requests; and in FY 2018, to date, more than 1,000 FOIA requests. For more information, see the Department's [FOIA Annual Reports](#).

² For example, in FY 2016, 24 FOIA cases were filed and handled by SOL's Division of General Law; in FY 2017, 59 FOIA cases; and in FY 2018, to date, more than 40 FOIA cases.

³ Please note that this process, in its entirety, does not apply to the Office of Inspector General's (OIG) FOIA personnel or processes. Other Bureaus should continue, however, to consult with OIG as they normally would for any documents that originated with or contain reference to OIG business, including OIG investigations, audits, or inspections. See [43 C.F.R. § 2.13\(b\)](#) (outlining the consultation and referral process).

⁴ See [383 DM 15 § 15.6.H](#) (outlining the responsibilities of the office and/or employee that will be making a final decision on a particular FOIA request).

⁵ See [383 DM 15 § 15.6.L](#) (outlining the responsibilities of all employees of the Department to respond promptly and accurately to FOIA-related requests).

⁶ See [5 U.S.C. §§ 552\(a\)\(8\) & \(b\)](#) (outlining FOIA exemptions and foreseeable harm); [43 C.F.R. § 2.13\(b\)](#); see also [383 DM 15 § 15.6.H](#); and the Department's [Foreseeable Harm Standard Memorandum](#).

⁷ See [43 C.F.R. § 2.23\(c\)](#) (requiring Bureaus to consult with SOL before withholding a record in full or in part).

Senate Confirmed (PAS), Non-Career Senior Executive (NCSE), and/or Schedule C employees.

- 2) If the names of current Department employees who are PAS, NCSE, and/or Schedule C employees are identified:
 - i. FOIA personnel notify each PAS, NCSE, and/or Schedule C employee identified in responsive emails and provide him/her access to the full set of responsive records⁸ (in the same format and with the same withholdings that have been approved by SOL, so he/she will see the records exactly as the FOIA requester will).
 - ii. FOIA personnel simultaneously notify a SOL attorney. When applicable, this will be the attorney who reviewed the proposed redactions and/or is handling related FOIA litigation, otherwise the FOIA personnel will contact the SOL Division or Region he/she would contact to review proposed redactions.
 - iii. The PAS, NCSE, and/or Schedule C employee(s) and SOL attorney have up to 72 hours to review the responsive records.⁹
 - a. If a reviewer needs a reasonable amount of additional time to review the responsive records, he/she must inform the FOIA personnel within 72 hours.
 - b. If a reviewer does not reply to the FOIA personnel within 72 hours, *his/her silence will be taken as an affirmation that he/she has concluded his/her review.*
- 3) FOIA personnel will then respond to the FOIA requester in accordance with their usual response process.

As you know, FOIA is a statutory requirement, and full and timely compliance with FOIA obligations is expected. The awareness process discussed above does not change the Department's statutory or, when applicable, litigation deadlines and must be conducted within those existing deadlines.

If you need assistance with a particular FOIA request, please contact your Bureau FOIA Officer using the information found at <https://www.doi.gov/foia/contacts>. If you have general FOIA questions, please contact me at (202) 208-5342 or cindy_cafaro@ios.doi.gov.

cc: Sylvia Burns, Chief FOIA Officer
Timothy Murphy, Acting Deputy Solicitor, Division of General Law, Office of the Solicitor
FOIA Contacts

⁸ This is true even if the FOIA personnel is not in the same Bureau as the PAS, NCSE, and/or Schedule C employee identified in responsive emails.

⁹ As noted above, the purpose of this review is to facilitate awareness of the information that will be released after the application of FOIA exemptions. Reviewers are not expected to confirm that the appropriate exemptions have been applied, but may follow up as necessary to understand their basis.

14 Awareness Process for FOIA Productions.pdf

From: [Cafaro, Cindy](#)
To: [Robert Howarth](#)
Subject: Awareness Process for FOIA Productions
Date: Thursday, May 24, 2018 8:16:45 AM
Attachments: [Awareness Process Memo Final.pdf](#)

Good morning. Please find attached a memorandum formalizing the Department's awareness process for FOIA productions.

The memorandum provides background on the awareness process and instructions on how to conduct it.

If you have any questions or need assistance, please contact your Bureau FOIA Officer or me.

Thank you.

Cindy Cafaro | Departmental Freedom of Information Act Officer | US Department of the Interior

Direct: 202-208-5342 | Main: 202-208-3181

14 1 Attachment Awareness Process Memo Final_1.pdf



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 24 2018

Memorandum

To: Assistant Secretaries
Heads of Bureaus and Offices
Bureau/Office FOIA Officers

From: Cindy Cafaro
Departmental FOIA Officer

Subject: Awareness Process for Freedom of Information Act Productions

For more than 6 years, the Department of the Interior (Department) leadership and the Solicitor's Office (SOL) have been made aware of impending Freedom of Information Act (FOIA) responses on a case-by-case basis. This has allowed the Department's leadership and SOL to efficiently respond to queries and legal ramifications arising from FOIA responses. Given the unprecedented number of incoming FOIA requests¹ and increased FOIA litigation the Department has faced in the past year,² we are formalizing the awareness process to ensure it is consistent and effective.³

The Department will continue to process FOIA requests as usual, including: directing searches for responsive records;⁴ searching for and providing responsive records;⁵ processing responsive records;⁶ and reviewing proposed responses.⁷ After these steps are completed, the awareness process is as follows:

- 1) FOIA personnel search responsive emails and attachments to emails for the names and email addresses of current Department employees who are Presidentially Appointed,

¹ In Fiscal Year (FY) 2016, the Department received 6,428 FOIA requests; in FY 2017, 8,005 FOIA requests; and in FY 2018, to date, more than 5,000 FOIA requests. Some Bureaus have particularly large increases in FOIA requests. For example, in FY 2016, the Office of the Secretary (OS) received 512 FOIA requests; in FY 2017, 1,226 FOIA requests; and in FY 2018, to date, more than 1,000 FOIA requests. For more information, see the Department's [FOIA Annual Reports](#).

² For example, in FY 2016, 24 FOIA cases were filed and handled by SOL's Division of General Law; in FY 2017, 59 FOIA cases; and in FY 2018, to date, more than 40 FOIA cases.

³ Please note that this process, in its entirety, does not apply to the Office of Inspector General's (OIG) FOIA personnel or processes. Other Bureaus should continue, however, to consult with OIG as they normally would for any documents that originated with or contain reference to OIG business, including OIG investigations, audits, or inspections. See [43 C.F.R. § 2.13\(b\)](#) (outlining the consultation and referral process).

⁴ See [383 DM 15 § 15.6.H](#) (outlining the responsibilities of the office and/or employee that will be making a final decision on a particular FOIA request).

⁵ See [383 DM 15 § 15.6.L](#) (outlining the responsibilities of all employees of the Department to respond promptly and accurately to FOIA-related requests).

⁶ See [5 U.S.C. §§ 552\(a\)\(8\) & \(b\)](#) (outlining FOIA exemptions and foreseeable harm); [43 C.F.R. § 2.13\(b\)](#); see also [383 DM 15 § 15.6.H](#); and the Department's [Foreseeable Harm Standard Memorandum](#).

⁷ See [43 C.F.R. § 2.23\(c\)](#) (requiring Bureaus to consult with SOL before withholding a record in full or in part).

Senate Confirmed (PAS), Non-Career Senior Executive (NCSE), and/or Schedule C employees.

- 2) If the names of current Department employees who are PAS, NCSE, and/or Schedule C employees are identified:
 - i. FOIA personnel notify each PAS, NCSE, and/or Schedule C employee identified in responsive emails and provide him/her access to the full set of responsive records⁸ (in the same format and with the same withholdings that have been approved by SOL, so he/she will see the records exactly as the FOIA requester will).
 - ii. FOIA personnel simultaneously notify a SOL attorney. When applicable, this will be the attorney who reviewed the proposed redactions and/or is handling related FOIA litigation, otherwise the FOIA personnel will contact the SOL Division or Region he/she would contact to review proposed redactions.
 - iii. The PAS, NCSE, and/or Schedule C employee(s) and SOL attorney have up to 72 hours to review the responsive records.⁹
 - a. If a reviewer needs a reasonable amount of additional time to review the responsive records, he/she must inform the FOIA personnel within 72 hours.
 - b. If a reviewer does not reply to the FOIA personnel within 72 hours, *his/her silence will be taken as an affirmation that he/she has concluded his/her review.*
- 3) FOIA personnel will then respond to the FOIA requester in accordance with their usual response process.

As you know, FOIA is a statutory requirement, and full and timely compliance with FOIA obligations is expected. The awareness process discussed above does not change the Department's statutory or, when applicable, litigation deadlines and must be conducted within those existing deadlines.

If you need assistance with a particular FOIA request, please contact your Bureau FOIA Officer using the information found at <https://www.doi.gov/foia/contacts>. If you have general FOIA questions, please contact me at (202) 208-5342 or cindy_cafaro@ios.doi.gov.

cc: Sylvia Burns, Chief FOIA Officer
Timothy Murphy, Acting Deputy Solicitor, Division of General Law, Office of the Solicitor
FOIA Contacts

⁸ This is true even if the FOIA personnel is not in the same Bureau as the PAS, NCSE, and/or Schedule C employee identified in responsive emails.

⁹ As noted above, the purpose of this review is to facilitate awareness of the information that will be released after the application of FOIA exemptions. Reviewers are not expected to confirm that the appropriate exemptions have been applied, but may follow up as necessary to understand their basis.

15 Re_ Awareness Process for FOIA Productions.pdf

From: [Cafaro, Cindy](#)
To: [Robert Howarth](#)
Subject: Re: Awareness Process for FOIA Productions
Date: Tuesday, June 19, 2018 12:19:19 PM

Hello again, everyone. More great questions have arrived and my answers are again in *italics*.

1) What if there is a letter in DTS sent to or from a PAS, NCSE, and/or Schedule C employee, and one of our employees retrieves the letter and emails it internally or externally? E.g., Congressional correspondence that is submitted to the Secretary, then routed to a bureau in DTS, retrieved from DTS by non-PAS, NCSE, and/or Schedule C employees and only emailed to non-PAS, NCSE, and/or Schedule C employees.

It goes to her. I would strongly suggest letting her know that is her only involvement and directing her to where it is in the package.

2) Do calendars trigger awareness reviews?

Not unless they are included in an email or attachment to an email. Only emails and attachments to emails trigger awareness reviews.

3) What if a search turns up an old email naming a current PAS, NCSE, and/or Schedule C employee who wasn't in a Departmental position when the email was sent (for example, it was sent when the PAS, NCSE, and/or Schedule C employee was an employee of company X or an elected official in state Y)?

It goes to him. I would strongly suggest letting him know that is his only involvement and directing him to where it is in the package.

4) Are there any awareness reviews that should not go directly--or only--to the PAS, NCSE, and/or Schedule C employee?

Awareness reviews for the Deputy Secretary should go to his assistant (Gareth Rees) and awareness reviews for the Secretary should go to the Deputy Chief of Staff for Policy (Downey Magallanes). Other awareness reviews should go directly to the PAS, NCSE, and/or Schedule C employee.

Additionally, the Deputy Chief of Staff for Policy (Ms. Magallanes) should be carbon copied on any awareness reviews that are sent to the Chief of Staff to the Secretary (Scott Hommel), the Executive Assistant to the Secretary (Caroline Boulton), and/or the Executive Assistant to the Chief of Staff (Elinor Werner (née Renner)).

Cindy Cafaro | Departmental Freedom of Information Act Officer | US Department of the Interior

Direct: 202-208-5342 | Main: 202-208-3181

On Wed, May 30, 2018 at 3:11 PM, Cafaro, Cindy <cindy_cafaro@ios.doi.gov> wrote:

Good afternoon. Great questions have already come in about the awareness process and I am sharing the questions and answers with the group. My answers are in *italics*.

1) Will there be an updated list of PAS, NCSE, and/or Schedule C employees distributed? Yes. *I have just shared a OCIO spreadsheet with this group that OCIO will update on a monthly basis.*

2) It looks like we are only concerned with emails and attachments to emails. So if something went through DTS and we locate it in DTS, but not in the email system, it does not need to go up through the awareness process no matter whose name appears in the document or who signed it? Yes.

3) If the email triggering an awareness review has been released before, should an awareness review still occur? Yes, *send the package to him. I would strongly suggest letting him know that is his only involvement, it has already been released, and directing him to where it is in the package.*

4) If the email triggering an awareness review has been released before, is already online, and a link is being

sent to the requester rather than a package of materials, should an awareness review still occur? *Yes, send the package to her. I would strongly suggest letting her know that is her only involvement, it has already been released, and directing her to where it is on the website.*

5) What about unsolicited comments sent by members of the public to a public-facing email account that bears our Director's name? *If your Director is a PAS, NCSE, and or Schedule C employee, it goes to him. If not, it doesn't.*

6) When we send the records up, do we send finalized redactions or just the temporary redactions so they can see what was withheld? Looks like it says finalized, but just want to be sure. *Yes, finalized redactions.*

7) Does footnote 8 mean every random person who gets their hands on a FOIA all just reach out to whoever's PAS, NCSE, and/or Schedule C employee directly? *You have discretion as to whether the contact comes directly from the Action Office or is more centralized within the bureau. (Personally, I prefer centralization.) It would not come from random people though; it is the FOIA personnel in the Action Office that have collected the records, reviewed them, and has the redactions reviewed and applied (as needed)--all of which must occur before an awareness review. Non-FOIA personnel would never send up an awareness review.*

8) Do they need to see the outgoing letter as well? The incoming request? Or just the records? *You have discretion. I would include the incoming request as part of the awareness notification.*

9) What are we doing when we notify the SOL attorney in step 2, ii? Just letting them know that it's going up? Or are they supposed to review again within 72 hours? *The purpose is to let them know it is going up.*

10) I've heard a PAS, NCSE, and/or Schedule C employee wants to delegate their review to someone on their staff - do we care? Should we just send to who they designate? Insist that it goes to the political + the designee? *I would send it to the person + their designee, unless the person had sent written direction that this was delegated to the designee and they should not be included.*

11) I'm still not totally clear on what they want to see. Here are some examples of things I would worry about, because I'm just not sure:

- email with 20 people cc'd and one of them is a PAS, NCSE, and/or Schedule C employee, he doesn't respond, that's the only place he appears *It goes to him. I would strongly suggest letting him know that is his only involvement and directing him to where it is in the package.*
- email from Chief of Staff directly to a PAS, NCSE, and/or Schedule C employee, she doesn't respond, that's the only place she appears *It goes to her. I would strongly suggest letting her know that is her only involvement and directing her to where it is in the package.*
- email between two bureau employees that states "we'll need to get [a PAS, NCSE, and/or Schedule C employee] to sign off on this", and he's never mentioned again *It goes to him. I would strongly suggest letting him know that is his only involvement and directing him to where it is in the package.*
- outgoing letter responding to an inquiry from a member of the public with Secretary's signature *It is not an email, so it does not go to him.*
- memo sent to all employees by a PAS, NCSE, and/or Schedule C employee *If it was sent via email, it goes to her. Otherwise, it does not.*
- email that is being withheld in full, but names a PAS, NCSE, and/or Schedule C employee ("We were told this is close hold, but today at the meeting John Smith speculated that we may soon start working on ideas for...") and that's the only place the name appeared *It goes to him. I would strongly suggest letting him know that is his only involvement and directing him to where it is redacted in the package.*
- email from a PAS, NCSE, and/or Schedule C employee reviewed and found in interim release #6 of 10. Do we just send her that interim release? Or also everything that already went out? And then for the next 4 interim releases where she's not mentioned again? *The package for release #6 goes to her. I would let her know it is release #6 and more releases are anticipated, but would not send the earlier (or later) packages unless requested to do so.*
- all-employee memo signed by a PAS, NCSE, and/or Schedule C employee, but the email transmitting the memo was sent by HR, would that go up? *Yes.*

- email between two bureau employees stating "This is one of the Secretary's priorities" but they don't name the Secretary (but from the dates we can see it's from this administration) or mention him anywhere else. Would that go up? *No.*

12) Once the PAS, NCSE, and/or Schedule C employee has left DOI that's the end of our obligation right? *Yes.*

13) What about stuff that very clearly needs to go to either our own Director or AS? *This memo doesn't stop your "usual response process," and if those notifications are part of it, no problem.*

14) How far up the chain on DOI does this affect us? If I am reading this correctly, it means White House level personnel/staffers, etc. and not so much DOI personnel, the Secretary being the exception? *There are about 90 PAS, NCSE, and/or Schedule C employees in the Department. (Listed in OCIO spreadsheet discussed above.) These kinds of Departmental employees are the only people that trigger the awareness process.*

Cindy Cafaro | Departmental Freedom of Information Act Officer | US Department of the Interior

Direct: 202-208-5342 | Main: 202-208-3181

On Thu, May 24, 2018 at 10:16 AM, Cafaro, Cindy <cindy_cafaro@ios.doi.gov> wrote:
Good morning. Please find attached a memorandum formalizing the Department's awareness process for FOIA productions.

The memorandum provides background on the awareness process and instructions on how to conduct it.

If you have any questions or need assistance, please contact your Bureau FOIA Officer or me.

Thank you.

Cindy Cafaro | Departmental Freedom of Information Act Officer | US Department of the Interior

Direct: 202-208-5342 | Main: 202-208-3181