



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, DC 20240

IN REPLY REFER TO:
7202.4-OS-2015-00421

September 14, 2015

Via email: lross@foe.org

Lukas B. Ross
1100 15th Street NW
Washington, DC 20005

Dear Mr. Ross:

On July 30, 2015, you filed a Freedom of Information Act (FOIA) request seeking the following:

[P]ertaining to the flaring, venting, and beneficial use of natural gas on public lands. In particular, I would like to request the total volumes reported by specific companies, within specific states as well as the Outer Continental Shelf (OCS), in their OGORB filings between 2004 and 2014 (yearly, as opposed to monthly, totals) for the following disposition codes: • 8 (avoidably lost) • 20 (beneficial use) • 21 (flared from oil well) • 22 (flared from gas well) • 23 (unavoidably lost) • 61 (vented from oil well) • 62 (vented from gas well) To summarize, this is a request for total yearly volumes reported by individual operators, organized so that the data can be viewed both a.) in terms of state totals and b.) in terms of disposition totals within individual states. If it is possible to separate reports from public and tribal lands, I would like to request totals for the same disposition codes but for tribal jurisdictions in addition.

On July 31, 2015, we acknowledged your request and advised you of your fee status under the FOIA. We are writing to respond to your request on behalf of the Office of the Secretary. Please find attached 2 files consisting of 275 pages. Of those 275 pages, 129 pages are being released in full and 146 pages contain redactions as described below.

Data subject to withholding under the Indian Mineral Development Act (25 U.S.C. § 2101 et seq.) is being withheld pursuant to Exemption 3 of the FOIA (5 U.S.C. § 552(b)(3)).

Exemption 3 allows the withholding of information prohibited from disclosure by another federal statute provided that either the statute "(A) requires that matters be withheld from the public in such a manner as to leave no discretion on the issue or (B) establishes particular criteria for

withholding or refers to particular types of matters to be withheld.” 5 U.S.C. § 552(b)(3) (emphasis added).

The Indian Mineral Development Act of 1982 (IMDA) at 25 U.S.C. § 2103(c) requires the Department of the Interior to hold all commercial and financial information relating to IMDA leases/agreements as privileged and proprietary. It has therefore been withheld under Exemption 3 of the FOIA.

DeAnn Owen, Attorney-Advisor, in the Office of the Solicitor, was consulted in reaching this decision. Clarice Julka, Office of the Secretary FOIA Officer, is responsible for making this decision.

Appeals

You may appeal this decision to the Department’s 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 PM Eastern time, Monday through Friday, will be deemed received on the next workday. Your appeal must be in writing and addressed to:

Attn: FOIA Appeals Officer
U.S. Department of the Interior
Office of the Solicitor
1849 C Street, N.W.
MS6556 MIB
Washington, D.C. 20240

Fax: 202-208-6677

E-mail: FOIA.Appeals@sol.doi.gov

You must include with your appeal copies of all correspondence between you and the Office of the Secretary concerning your FOIA request, including a copy of your original FOIA request and the response letter. You must also include, in as much detail as possible, an explanation of why you believe the Office of the Secretary’s response was in error. Failure to include this documentation with your appeal will result in the Department’s rejection of your appeal. All communications concerning your appeal, including envelopes, should be clearly marked with the words “FREEDOM OF INFORMATION APPEAL.” The appeal should include your name, mailing address, daytime telephone number (or the name and telephone number of an appropriate contact), email address, and fax number (if available) in case the Department needs additional information or clarification. For more information on FOIA Administrative Appeals, including how DOI will respond to your appeal, please refer to Subpart H of the Department’s FOIA regulations, 43 C.F.R. § 2.57-§ 2.64.

Fees

Because the Office of the Secretary is granting your request for a fee waiver, there is no billable fee for the processing of this request.

For your information, 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). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.


As part of the 2007 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 non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS in any of the following ways:

Office of Government Information Services (OGIS)
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

If you have any questions about our response to your request, you may contact Ryan McQuighan by phone at 202-513-0765, by fax at 202-219-2374, by email at os_foia@ios.doi.gov, or by mail at U.S. Department of the Interior, 1849 C Street, NW, MS-7328, Washington, D.C. 20240.

Sincerely,


Clarice Julka
Office of the Secretary
FOIA Officer