



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

May 11, 2021

IN REPLY REFER TO:  
**DOI-ASIA-2021-003491**

Ms. Judy Fahys  
MuckRock News DEPT MR  
110762 411A Highland Ave.  
Somerville, Massachusetts 02144  
Email: 110762-524794406@requests.muckrock.com

Dear Ms. Judy Fahys:

The Assistant Secretary - Indian Affairs (AS-IA) FOIA office received your Freedom of Information Act (FOIA) request, dated April 07, 2021 and on April 14, 2021 your request was assigned control number is **DOI-ASIA-2021-003491**. Please cite this number in any future communications with our office regarding your request.

In your request you have requested the following: *"Pursuant to the Freedom of Information Act, I hereby request the following records:*

*communications to and from the office of the Assistant Secretary of Indian Affairs in any format--including emails, text messages and memos---between July 1, 2020 and January 20, 2021 that contain any of the following: "Tesoro," "High Plains," "Fort Berthold," "MHA landowners," "Fort Berthold Agency," "Marathon," "pipeline" and "trespass.""*

We have classified you as a representative of the news media. As such, we may charge you for some of our duplication costs, but we will not charge you for our search or review costs; you also are entitled to up to 100 pages of photocopies (or an equivalent volume) for free. See 43 C.F.R. § 2.39. If, after taking into consideration your fee category entitlements, our processing costs are less than \$50.00, we will not bill you because the cost of collection would be greater than the fee collected. See 43 C.F.R. § 2.37(g).

You have agreed to up to \$200.00 for the processing of your request. If we find that this will not cover the cost of processing your request, we will stop processing your request at the point this amount has been reached and will let you know before we incur additional charges. You can then either agree to pay the additional amount needed or narrow the scope of your request.

The FOIA requires that requests describe the records sought with sufficient detail to allow an agency employee familiar with the subject area of the request to locate the records with a

reasonable amount of effort. Your request does not adequately describe the records sought; therefore, we are unable to process your request at this time. If you wish to pursue your request, please describe the records you seek sufficiently to enable a professional employee familiar with the subject to locate the existing records with a reasonable effort. Please describe the specific individuals/custodians of records you want searched for the terms in your request.

According to our regulations, if we do not receive your written response clarifying what records you are looking for within 20 workdays from the date of this communication, we will presume that you are no longer interested in pursuing your request. In such a circumstance, we will not be able to comply with your request and will close our file on it. See 43 C.F.R. § 2.5(d). You may seek assistance from the designated FOIA contact or FOIA Requester Center at <https://www.doi.gov/foia/foiacenters>.

You may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal **no later than 90 workdays** from the date of this final response. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe this response is in error. You must also include with your appeal copies of all correspondence between you and the Assistant Secretary - Indian Affairs (AS-IA) FOIA office concerning your FOIA request, including your original FOIA request and this response. Failure to include with your appeal all correspondence between you and the Assistant Secretary - Indian Affairs (AS-IA) FOIA office will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal. Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

*DOI FOIA/Privacy Act Appeals Office Contact Information*

Department of the Interior  
Office of the Solicitor  
1849 C Street, N.W. MS-6556 MIB  
Washington, DC 20240

Attn: FOIA/Privacy Act Appeals Office

Telephone: (202) 208-5339  
Fax: (202) 208-6677  
Email: FOIA.Appeals@sol.doi.gov

If you have any questions about our response to your request, you may contact Heather Garcia by phone at 202-208-3135, by email at foia@bia.gov or by mail at 1849 C Street, NW, Office 4660 MIB, Washington, DC 20240.

Sincerely,

Justin Davis  
FOIA Officer  
Assistant Secretary – Indian Affairs