



BLM FOIA Program

Frequently Asked Questions

1. How do I request records from the BLM under the FOIA?

The BLM is highly decentralized and does not maintain a central database of records in its possession. The Division of Intergovernmental and External Affairs oversees the BLM FOIA program. The BLM FOIA Officer is located in the same division.

Since so much of the BLM's work is conducted in the field, most records are maintained by its state offices. You may submit a FOIA request directly to the BLM FOIA Officer or one or more of the BLM's state offices. However, where you send your FOIA request will affect its processing (see DOI's FOIA regulations at 43 C.F.R. 2.4).

A request addressed to a particular BLM state office will be presumed to seek only records from that particular office.

If you are seeking records from across the entire BLM, please submit your request to the BLM FOIA Officer. The BLM FOIA Officer will forward your request to the offices that he or she believes have, or are likely to have, responsive records.

2. What should I include in my FOIA request?

Any FOIA request you send to the BLM should include the same basic elements:

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 we need additional information.

A reasonable description of the records you are seeking. A "reasonable" description contains sufficient detail to enable BLM personnel familiar with the subject matter of the request to locate the records with a reasonable amount of effort.

To the extent possible, please include identification of the date, title or name, author, recipient, and subject of any particular records you seek; the office that created the records you seek; the timeframe for which you are seeking records; and any other helpful identifying information. (Please do not include any personal information in your request unless it is needed for processing.)

Specification of the format in which you wish to receive records (e.g., hard copies, electronic copies, etc.).

A statement of your willingness to pay all applicable fees, fees up to a particular amount, or your request for a fee waiver (with the required justification; see 43 C.F.R. 2.45).

Please be advised that the FOIA does not require the BLM to do research for you, to analyze data, to answer written questions, or to create records in response to your request.

If your request does not reasonably describe the records sought, we will inform you what additional information is needed. We will also notify you that we will not be able to comply with your FOIA request unless you provide the additional information requested within 20 workdays. If we do not receive a written response within 20 workdays after asking for additional information, we will presume that you are no longer interested in the records and will close the file on your request.

3. Will the BLM charge a fee to process my FOIA request?

There is no initial fee required to submit a FOIA request, but the FOIA does provide for the charging of certain types of fees in some instances. The BLM charges for processing requests under the FOIA in accordance with 43 C.F.R. Part 2, Subpart G and the OMB Fee Guidelines. We will ensure that we conduct searches, reviews, and duplication in the most efficient and least expensive manner possible.

You may always include in your request letter a specific statement limiting the amount that you are willing to pay in fees. If you agree to pay fees for a records search, be aware that you may be required to pay such fees even if the search does not locate any responsive records or, if records are located, even if they are determined to be entirely exempt from disclosure.

You may also request a waiver of fees. Under the FOIA, fee waivers are limited to situations in which a requester can show that the disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government and is not primarily in the commercial interest of the requester. (See 43 C.F.R. 2.45.)

4. How long will the BLM take to respond to my request?

The time the BLM takes to respond to each request varies depending on the complexity of the request and the backlog of requests already pending at the BLM.

The BLM uses multitrack processing to distinguish simple requests from more complex ones on the basis of the estimated number of workdays needed to process the request. We will advise you of the track into which your requests falls and, when appropriate, will offer you an opportunity to narrow your request so that it can be placed in a different processing track. The use of multitrack processing does not alter the statutory 20-workday deadline the BLM has to determine whether to comply with your FOIA request. (See 43 C.F.R. 2.15.)

If the BLM needs an extension of time (i.e., 10 workdays) to respond to your request, it will notify you in writing and offer you the opportunity to modify or limit the scope of your request. Alternatively, you may agree to a different timetable for the processing of your request. (See 43

C.F.R. 2.19.) Whenever possible, the BLM will issue rolling releases of records to you if it cannot issue a complete response in one package.

Under certain conditions, you may be entitled to have your request processed on an expedited basis. First, we will expedite your request if the lack of expedited treatment could reasonably be expected to pose a threat to someone's life or physical safety. Second, if an individual will suffer the loss of substantial due process rights, we will expedite your request. (See 43 C.F.R. 2.20.)

5. How can I check the status of my FOIA request?

You may contact the FOIA office responsible for the processing of your request at any time. You may also retrieve some basic information about your request by checking the Department's Track Your Request Status tool.

6. May I appeal the BLM's response to my FOIA request?

A denial or partial denial letter will contain a paragraph advising the requester of the right to file an appeal with the Department of the Interior's FOIA Appeals Officer. Before filing an appeal, you may wish to communicate with the contact person listed in the FOIA response, the BLM's FOIA Officer, or the BLM or Departmental FOIA Public Liaison to see if the issue can be resolved informally.