



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, California 95825

SEP 12 2013

FOIA 2013-01919

Cheryl A. Schmit, Director  
P.O. Box 355  
Penryn, CA 95663

Dear Mrs. Schmit:

We are responding to your Freedom of Information Act (FOIA) request that was received on August 21, 2013. We have assigned FOIA control number 2013-01919 to this request, please refer to the number in any future correspondence.

You had requested us to search for the following:

**A copy of any and all documents submitted by the Santa Ynez Band of Chumash Indians that accompanied and supported the Proposed Land Consolidation and Acquisition Plan of 11,500 acres in Santa Ynez, Santa Barbara County.**

**A copy of any and documents within the BIA that were reviewed in conjunction with the approval of the Proposed Land Consolidation and Acquisition Plan of 11,500 acres in Santa Ynez, Santa Barbara County.**

**Copies of all records regardless of form or format of any and all memos, emails, telephone messages, letters or internal documents that outline the criteria by which a decision is made for the approval of the proposed Land Consolidation and Acquisition Plan of 11,500 acres in Santa Ynez, Santa Barbara County.**

The total charges were estimated at \$180.00, which were paid in full on September 4, 2013 with the receipt of your check. The total was calculated as follows: 400 pages x .15 = \$60.00, 2 hours of search and review time at \$15.00 per ¼ hour = \$120.00. The requested documents are enclosed (CD). Additionally, we are withholding one document totaling two (2) pages, pursuant to Exemption 5 of the FOIA (5 U.S.C. § 552 (b) (5)) (Deliberative Process Privilege). 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." The deliberative process privilege protects the decision-making process of government agencies and encourages the frank discussion of legal and policy issues.

In addition to me, the official(s) responsible for this denial is Arvada Wolfin, Supervisory Realty Specialist. This decision was made in consultation with Kevin Mack, Pacific Southwest Region, Office of the Solicitor.

"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  
National Archives and Records Administration  
(OGIS) 8601 Adelphi Road  
College Park, MD 20740-6001  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Web: <http://ogis.archives.gov>  
Telephone: 202-741-5770  
Facsimile: 202-741-5769  
Toll-free: 1-877-684-6448"

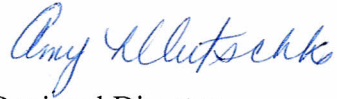
You may appeal this response in accordance with 43 CFR §2.28. The FOIA Appeals Officer must receive your FOIA appeal no later than 30 workdays from the date of this final letter responding to your FOIA request. Appeals arriving or delivered after 5 p.m. E.T., Monday through Friday, will be deemed received on the next workday. Your appeal must be in writing and address to:

Freedom of Information Act  
Department of the Interior  
Office of the Solicitor  
1849 C Street NW, MS-6556  
Washington, D.C. 20240

You must include with your appeal, copies of correspondence between you and the Bureau concerning your FOIA request, including a copy of your original FOIA request and this denial letter. Failure to include this documentation with your appeal will result in the Department's rejection of your appeal. The appeal should be marked, both on the envelope and the face of the letter, with the legend, "FREEDOM OF INFORMATION ACT APPEAL". Your letter should include in as much detail as possible any reasons why you believe the Bureau's response is in error.

Should you have any additional questions, please contact Douglas Garcia, Regional FOIA Coordinator, at (916) 978-6052 or Janice Whipple-DePina, Alternate FOIA Coordinator, at (916) 978-6077.

Sincerely,

A handwritten signature in blue ink that reads "Amy Klitschke". The signature is written in a cursive style with a large initial 'A'.

Regional Director