



United States  
Department of  
Agriculture

Forest  
Service

Washington Office

14<sup>th</sup> & Independence SW  
P.O. Box 96090  
Washington, DC 20090-6090

File Code: 6270-1

Date: December 19, 2000

Route To:

Subject: Freedom of Information Act Annual Report Fiscal Year 2000

To: Andrea Fowler, FOIA/PA Officer  
Office of Communications

Enclosed is the consolidated Forest Service Freedom of Information Act Annual Report for the Period of October 1, 1999, through September 30, 2000.

*/s/ Sherry L. Turner*

SHERRY L. TURNER  
Acting Freedom of Information Act/  
Privacy Act Officer

Enclosure



Forest Service  
FY 2000 Annual FOIA Report

A. LIST EXEMPTION 3 STATUTES:

1. Brief description of type(s) of information withheld under each statute. (Please use last page to add this information).

Archaeological Resources Protection Act of 1979 (16 U.S.C. 470hh) – information withheld: Archaeological site map, cultural resource survey maps.

National Historic Preservation Act of 1966 (16 U.S.C. 4702-3)-withheld information about the nature and location of historic resources.

PL 104-201 –National Defense Authorization Act for Fiscal Year 1997 – Sec. 821 – Prohibition on release of contractor proposals under Freedom of Information Act. Information withheld – negotiated bid proposal submitted under the contract/FARS.

2. Statement of whether a court has upheld the use of each statute. If so, cite example. (WO will respond to this item). The WO had no court cases using Exemption 3.

B. NUMBER OF INITIAL REQUESTS: (include all access requests, whether first party or third party)

1. Number of requests pending at end of FY 1999	<u>404</u>
2. Number of requests received during FY 2000	<u>5181</u>
3. Number of requests processed during FY 2000	<u>5033</u>
4. Number of requests pending at end of FY 2000	<u>473</u>

C. DISPOSITION OF INITIAL REQUESTS:

1. Number of total grants	<u>3115</u>
2. Number of partial grants	<u>890</u>
3. Number of denials	<u>471</u>



a. Number of times each FOIA exemption used: (count each exemption once per request)

(1) Exemption 1 0

(2) Exemption 2 4

(3) Exemption 3 23

(4) Exemption 4 59

(5) Exemption 5 100

(6) Exemption 6 210

(7) Exemption 7(A) 42

(8) Exemption 7(B) 2

(9) Exemption 7(C) 59

(10) Exemption 7(D) 2

(11) Exemption 7(E) 6

(12) Exemption 7(F) 0

(13) Exemption 8 0

(14) Exemption 9 0

4. Other reasons for nondisclosure: (total) 864

a. No records 555

b. Referred elsewhere 122

c. Request withdrawn 36

d. Fee-related reasons 29

e. Records not reasonably described 7

f. Not a proper FOIA request for some reason 49

- g. Not an agency record 26
- h. Duplicate request 12
- i. Other (specify) 28

Glomar; Region has responded; FS not involved in mtg notes requested-i.e. no records; request responded to previously; provided listing of FS national offices addresses; information maintained in Library of Congress.

D. NUMBER OF APPEALS:

- 1. Number of appeals received during FY 2000 72
- 2. Number of appeals processed during FY 2000 24

E. DISPOSITION OF APPEALS: (WO will respond to this portion of the report)

- 1. Number completely upheld 6
- 2. Number partially reversed 6
- 3. Number completely reversed 5

a. Number of times each FOIA exemption used: (count each exemption once per appeal)

- (1) Exemption 1 0
- (2) Exemption 2 0
- (3) Exemption 3 0
- (4) Exemption 4 2
- (5) Exemption 5 2
- (6) Exemption 6 4
- (7) Exemption 7(A) 0
- (8) Exemption 7(B) 0
- (9) Exemption 7(C) 2
- (10) Exemption 7(D) 0

(11) Exemption 7(E)	<u>0</u>
(12) Exemption 7(F)	<u>0</u>
(13) Exemption 8	<u>0</u>
(14) Exemption 9	<u>0</u>

4. Other reasons for nondisclosure (total):	<u>13</u>
a. No records	<u>6</u>
b. Referred elsewhere	<u>1</u>
c. Request withdrawn	<u>4</u>
d. Fee-related reasons	<u>0</u>
e. Records not reasonably described	<u>0</u>
f. Not a proper FOIA request for some reason	<u>0</u>
g. Not an agency record	<u>0</u>
h. Duplicate request	<u>0</u>
i. Other (specify)	<u>2</u>

F. MEDIAN PROCESSING TIME FOR REQUESTS: (Example for calculation of median: Given 7 requests completed during the fiscal year, aged 10, 25, 35, 65, 75, 80, and 400 days from date of perfection to date of completion, the total number of requests completed during the fiscal year would be 7 and the median age of the completed requests would be 65 days.)

1. Simple requests (if multiple tracks used)	
a. Number of requests processed	<u>3470</u>
b. Median number of days to process	<u>12</u>
2. Complex requests (specify for any and all tracks used)	
a. Number of requests processed	<u>1207</u>

b. Median number of days to process 18

3. Requests accorded expedited processing (Forest Service probably does not have any.)

a. Number of requests processed 4

b. Median number of days to process 12

G. STATUS OF PENDING REQUESTS: (Agencies using multiple tracks may provide numbers for each track as well as totals.)

1. Number of requests pending at end of FY 2000 448

2. Median number of days requests were pending at end of FY 2000 (Use the date received to start your count and end on September 30, 2000.) 11

H. DESCRIBE AGENCY EFFORTS TO: (See back page with additional comments).

1. Improve timeliness \_\_\_\_\_

2. Reduce backlog \_\_\_\_\_

3. Provide training \_\_\_\_\_

4. Add new categories of records \_\_\_\_\_

I. TOTAL COSTS: (include staff and all resources)

1. FOIA processing (including appeals) 3,576,203

2. Litigation-related activities (estimated) 62,777

3. Total costs 3,638,980

4. Statement of additional resources needed (if applicable please add to bottom of this form)

J. FEES:

1. Total fees collected for search, review, duplication, and other direct costs permitted by agency regulations 25,259

2. Percentage of total costs .006%

K. URL FOR AGENCY FOIA REGULATIONS: (including Fee Schedule) (WO will respond to this item)

[http:// www.fs.fed.us/im/foia](http://www.fs.fed.us/im/foia)\_\_\_\_\_

L. STAFFING LEVELS:

1. Number of full-time FOIA personnel	<u>21</u>
2. Number of personnel with part-time or occasional FOIA duties (in work years)	<u>88.97</u>
3. Total number of personnel (work-years)	<u>109.97</u>

Additional information or comments here:

**Region 1**

\* The Dakota Prairie Grasslands is still processing the National Wildlife Federation FOIA of November 9, 1998. They have forwarded over 20,000 documents to them at this time. \$75,000 of the total FOIA processing costs are related to the expenses of that particular FOIA.

\*The extreme Wildland Fire Season that occurred between mid-July and mid-September delayed some FOIA responses in Region One. Many were completed shortly after the FY, when employees returned to their regular duties.

**Region 2**

A. List Exemption 3 Statutes:

The following documents were withheld pursuant to Exemption 3 under the following statute: Archaeological Resources Protection Act of 1979; Archaeological site map, cultural resource survey maps.

**Region 3**

H. Describe Agency efforts to:

1. Improve timeliness - Records on Internet
2. Reduce backlog – Better tracking with new database

#### **Region 4**

H. Describe Agency Efforts to:

3. Provide training
  - a. Provided a DOJ VHS FOIA Training tape to each FOIA coordinator in Region

Additional information or comments:

#### **Region 4**

Uinta NF comments: R-4 Regional Office has been very supportive.

Fishlake NF comments: There are FOIA requests received on the Forest which the staff responds to before notifying the FOIA Coordinator. Need more emphasis for proper handling and identifying FOIA request.

Caribou NF comments: Strong support from the RO.

#### **Region 5**

When using Exemption (b)(3) the following statutes were cited as the basis for denial. The Archaeological Resources Protection Act of 1979 (16 U.S.C. 470hh) and the National Historic Preservation Act of 1966 (16 U.S.C. 470w-3). We also consulted with Carol Shull of the BLM, who also concurred on the denial of the information.

#### **Region 6**

A. List of Exemption 3 Statutes:

1. PL 104-201 – Negotiated Bid Proposals submitted under the Contract/FARS.

#### **Region 8**

H. Describe Agency Efforts to:

3. Provide training
  - a. Publish newsletter that is sent to the field and includes FOIA information for forest coordinators;
  - b. Organized FOIA training session for employees of R-8 and R-9.

Additional information or comments here:

List of Exemption 3 statutes:

Files No: 00-99 and 00-155: The requests were for a cultural resource inventory of the Caney site, Daniel Boone National Forest. Specific site locations were withheld based on The Archaeological Resources Protect Act of 1979 (16 U.S.C. 470hh; 36 CFR296.18). And the National Historic Preservation Act of 1968m as amended, which prohibits the disclosure

of information about the nature and location of archaeological and historic resources.

### **Region 10**

H. Describe Agency Efforts to:

1. Improve timeliness – R10 is timely in responses to FOIA's.
2. Reduce backlog – R10 does not have a backlog.
3. Provide training – R10 provides training to all staffs.

### **WO Office FOIA/PA group**

H. Describe Agency Efforts to:

1. Improve timeliness – In reducing the backlog, the timeliness of responses has improved.
2. Reduce backlog – The WO FOIA/PA group hired a student intern who assisted in the review, clean-out and updating of the FOIA case files.
3. Provide training – The WO FOIA/PA group management analysts all attended Department of Justice FOIA/PA training sessions in FY2000 to keep current with new FOIA regulations. The entire group attended a three-day training session with the American Society of Access Professionals (ASAP), who provide updated training on FOIA and PA. The WO FOIA/PA group also put on in July 2000 a two-day information sharing session on FOIA and PA to all the WO Office program staff FOIA Coordinators.