



United States  
Department of  
Agriculture

Forest  
Service

Pacific  
Southwest  
Region

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File Code: 6270-1-1  
FOIA – LPNF #: 09-03-002

Date: MAR 24 2009

Mr. Jeff Kuyper  
Executive Director  
Los Padres Forest Watch  
Post Office Box 831  
Santa Barbara, CA 93102

Dear Mr. Kuyper:

This is in response to your Freedom of Information Act (FOIA) request dated February 27, 2009, received by the Los Padres National Forest Office on February 27, 2009. You requested “*the final list of ARRA (stimulus) projects the Los Padres National Forest submitted to the Regional Office.*”

Upon review of the records responsive to your request, we have determined the records must be withheld in full. Therefore, we are withholding seven pages of records itemizing proposed projects submitted for consideration as part of the Forest Service’s implementation of the American Recovery and Reinvestment Act of 2009 (ARRA) pursuant to FOIA Exemption 5.

Exemption 5 permits the Government 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 most commonly invoked privilege incorporated within Exemption 5 is the deliberative process privilege. This privilege protects the decision-making processes of Government agencies, and protects advisory opinions, recommendations, and deliberations. Specifically, three policy purposes consistently have been held to constitute the basis for this privilege: (1) to encourage open, frank discussions on matters of policy between subordinates and supervisors; (2) to protect against premature disclosure of proposed policies before they are finally adopted; and (3) to protect against public confusion that might result from disclosure of reason and rationales that were not in fact ultimately the ground for an agency action. We have determined the list of proposed projects submitted for deliberation and consideration as part of the Forest Service’s implementation of the ARRA must be withheld pursuant to Exemption 5 of the FOIA, 5 U.S.C. 552(b)(5).

The FOIA provides you the right to appeal my decision to withhold the list of proposed projects submitted for consideration as part of the Forest Service’s implementation of the ARRA. Any appeal must be made in writing to the Chief, USDA, Forest Service, Mail Stop 1143, 1400 Independence Avenue, SW, Washington, DC 20250-1143, and be received by the Chief within 45 days of the date of this letter. The term "FOIA APPEAL" should be placed in capital letters on the front of the envelope or on the subject line of an email to [wo\\_foia@fs.fed.us](mailto:wo_foia@fs.fed.us).



We encourage you to keep up to date with the most current information on the Forest Service's implementation of the American Recovery and Reinvestment Act of 2009 by visiting our economic recovery internet site at [www.fs.usda.gov/recovery](http://www.fs.usda.gov/recovery). If you have any questions regarding this response you may contact Ms. Ruby Boyd, Regional FOIA Coordinator, (707) 562-8768, or e-mail: [rubyboyd@fs.fed.us](mailto:rubyboyd@fs.fed.us). We appreciate your interest in National Forest programs, projects and issues.

Sincerely,



*for* RANDY MOORE  
Regional Forester

cc: Peggy, Hernandez, Forest Supervisor - Los Padres National Forest  
Stephanie Gomes, Legislative Affairs Coordinator  
Ken Heffner, Deputy Forest Supervisor - Los Padres National Forest  
Jody Noiron, Forest Supervisor - Angeles National Forest