
File Code: 6270
FOIA No.: 2020-FS-R5-04649-F

Date: October 29, 2020

Mr. Bryant Baker
Los Padres Forest Watch
P.O. Box 831
Santa Barbara, CA 93102

Dear Mr. Baker:

This is in response to your Freedom of Information Act (FOIA) request dated June 4, 2020, submitted to the Los Padres National Forest. For the Reyes Peak Project, you requested GIS data used; specialist reports that the agency intends to use; and tree stand data. Your request has been assigned tracking number 2020-FS-R5-04649-F.

The Pacific Southwest Regional Office provided you with GIS data by emails dated June 17th and 24th; and in the June 17th email also informed you that there were no specialist reports. Staff on the Los Padres National Forest recently confirmed there are no specialist reports. The tree stand data is denied in entirety pursuant to FOIA Exemption 5. Pursuant to 7 C.F.R. Subtitle A, Part 1, Subpart A, Appendix A, there is no charge for the processing of your request.

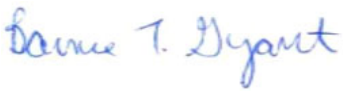
Exemption 5 permits the Government to withhold “inter-agency or intra-agency memorandums or letters which would not be available by law to a party in litigation with the agency.” The most commonly invoked privilege incorporated within Exemption 5 is the deliberative process privilege, the general purpose of which is to “prevent injury to the quality of agency decisions.” The tree stand data was drafted for the Los Padres National Forest by the Enterprise Program through a service agreement and is in the process of being reviewed for accuracy and sufficiency. We believe the premature release of this data will result in public confusion as the data in its current format will not inform our actions. Once our analysis is complete and finalized the data will be available for release. Therefore, we have determined that at this time, the data must be withheld pursuant to the deliberative process prong of Exemption 5 of the FOIA, 5 U.S.C. 552(b)(5).

The FOIA provides you the right to appeal my no records determination and my decision to withhold information pursuant to FOIA Exemption 5. Any appeal must be in writing, within 90 days from the date of this letter, to the Chief, USDA Forest Service. Due to concerns surrounding the COVID-19 Coronavirus, our headquarters office is currently only accepting appeals electronically via email. Please email your appeal to SM.FS.WOFOIA@usda.gov. The term “FOIA APPEAL” should be placed in capital letters on the subject line of your email together with the FOIA tracking number assigned to your request. To facilitate the processing of your appeal, please include a copy of this letter.



If you have any questions regarding this response or if further assistance is required, you may contact Ms. Latanga Rush, Regional FOIA Coordinator, via email: latanga.rush@usda.gov. You may also contact the Forest Service FOIA Public Liaison at (202) 205-1542. Additionally, you may contact the Office of Government Information Services, National Archives and Records Administration to inquire about the FOIA mediation services they offer: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at (202) 741-5770; toll free at (877) 684-6448; or facsimile at (202) 741-5769. Thank you for your interest in public land management, forest programs and projects.

Sincerely,

X 

Barnie Gyant signing for Randy Moore

Signed by: BARNIE GYANT

RANDY MOORE

Regional Forester Pacific Southwest Region