
File Code: 6270
Date:

Ms. Kris Pastoriza
294 Gibson Road
Easton, NH 03580-5615

Dear Ms. Pastoriza:

This letter responds to your Freedom of Information Act (FOIA) request of February 24, 2022, received by the USDA's Forest Service Eastern Regional Office on March 1, 2022, and assigned tracking number 2022-FS-R9-02387-F.

You requested: "I'm submitting a FOIA for all documents, including but not limited to emails, letters, maps, reports, memoranda, and notes, including personal notes made in connection with the conduct of public business, in the custody or control of USFS, responsive to Nash Stream State Forest, from 2002-the present. This request includes any electronic documents stored in "deleted" or "trash" folders and any documents USFS has in its custody even if the statutory retention periods for those documents may have expired. It also includes any documents arbitrarily designated as confidential or attorney-client privileged which contain information which is not specifically exempt from disclosure. I request any factual, non-deliberative portions of any document which may be categorized as a 'draft. If any documents are subject to disclosure in part, I am asking for those parts to be disclosed, even if those parts only identify a topic or party to whom the document was circulated. If any documents are withheld, please identify those documents on the basis of exclusion by category and retain all of those documents for future release as their nature changes from not subject to disclosure to subject to disclosure. This request includes all documents responsive to this request. (Date Range for Record Search: From 1/1/2002 To 2/24/2022)"

In response to your request, we conducted a search for electronic and hardcopy information everywhere a reasonably knowledgeable professional might expect to find records and located 2,876 responsive pages. Your request is granted in part and denied in part. Upon review of the records responsive to your request, we determined that 77 pages of records should be withheld in part, pursuant to FOIA Exemption(s) Exemption 5 of the FOIA, 5 U.S.C. 552(b)(5) and Exemption 6 of the FOIA, 5 U.S.C. 552(b)(6). The remaining 2,799 pages are granted in full. The responsive records for this FOIA request may be viewed [here](#).

Exemption 5

One of the privileges incorporated into Exemption 5, the attorney-client privilege, protects "confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional advice." We have determined that this information must be withheld pursuant to the attorney client prong of Exemption 5 of the FOIA, 5 U.S.C. 552(b)(5).



Exemption 6

Exemption 6 permits the Government to withhold all information about individuals in “personnel and medical files and similar files,” where the disclosure of such information “would constitute a clearly unwarranted invasion of personal privacy.” In determining whether a particular disclosure would constitute an unwarranted invasion of personal privacy, the Forest Service must balance the public’s right to disclosure against the individuals’ right to privacy. We have determined that the release of information would cause a clearly unwarranted invasion of the personal privacy and therefore the information must be withheld pursuant to Exemption 6 of the FOIA, 5 U.S.C. 552(b)(6). Exemption 6 of the FOIA, 5 U.S.C. 552(b)(6).

The FOIA provides that requesters pay the reasonable costs for search, review, and duplication of records. Pursuant to Title 7, Code of Federal Regulations, Subtitle A, Part 1, Subpart A, Appendix A, there is no charge as the amount falls below the minimum required to collect fees.

This concludes the Forest Service’s response to your FOIA request. The FOIA provides you the right to appeal this response. Your appeal should be addressed to the Chief, Department of Agriculture Forest Service, and must be submitted in writing within 90 days from the date of this letter. Please submit as follows: 1) by email to wo_foia@fs.fed.us; 2) by regular mail to Mail Stop 1143, 1400 Independence Avenue SW, Washington, DC 20250-1143; 3) or by Fed Ex or UPS to 201 14th Street SW, Washington, DC 20250-1143. The term “FOIA APPEAL” should be placed in capital letters on the subject line of the email or on the front of the envelope. To facilitate appeal processing, please include a copy of this letter and/or the request number listed at the top of this letter.

If you need further assistance, please do not hesitate to contact the 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. The contact information for OGIS is as follows: 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 1 (877) 684-6448; or facsimile at (202) 741-5769.

Sincerely,

(for) GINA OWENS
Regional Forester

Enclosure: electronic file link to 2,876 responsive pages of records