FY 2006 Annual FOIA Report
U.S. Forest Service

Sections I. Basic Information, II. How to Make a FOIA Request, and III. Definitions of Terms, will be completed by the Office of the Assistant Secretary for Administration.

IV. Exemption 3 Statutes

A. List of Exemption 3 statutes relied on by agency during current fiscal year:

1. Brief description of type(s) of information withheld under each statute.

- Archaeological Resources Protection Act of 1979:
  - Archaeological and historical sites

- National Defense Authorization Act for Fiscal year 1996:
  - Technical proposals submitted by unsuccessful contractors

- National Historic Preservation Act of 1966 (16 U.S.C. 470 hh):
  - Location and nature of historic sites

2. Statement of whether a court has upheld the use of each statute. If so cite example.

Not Applicable.

V. Initial FOIA/PA Access Requests

A. Number of Initial Requests: *(include all access requests, whether first party or third party)* ***(NOTE: The total of Lines 1 and 2, minus Line 3, should equal Line 4.)***

1. Number of requests pending at end of FY 05 366
2. Number of requests received during FY 06 3,279
3. Number of requests processed during FY 06 3,350
4. Number of requests pending at end of FY 06 295

B. Disposition of Initial Requests: ***(NOTE: The total of Lines 1, 2, 3, and 4 should equal the number of requests processed shown in Line 3 of Part A.)***

1. Number of total grants 2,034
2. Number of partial grants 512
3. Number of denials 280

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

(1) Exemption 1 ___0___
(2) Exemption 2 ___6___
(3) Exemption 3 ___14___
(4) Exemption 4 ___42___
(5) Exemption 5 ___141___
(6) Exemption 6 ___123___
(7) Exemption 7(A) ___16___

(11) Exemption 7(E) ___0___
(12) Exemption 7(F) ___0___
(13) Exemption 8 ___0___
(14) Exemption 9 ___0___

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 ___1___
(5) Exemption 5 ___4___
(6) Exemption 6 ___6___
(7) Exemption 7(A) ___1___
(8) Exemption 7(B) ___0___
(9) Exemption 7(C) ___2___
(10) Exemption 7(D) ___0___
(11) Exemption 7(E) ___0___
(12) Exemption 7(F) ___0___
(13) Exemption 8 ___0___
(14) Exemption 9 ___0___

4. Other reasons for nondisclosure (total): ___16___
a. No records ___3___
b. Referred elsewhere ___0___
c. Request withdrawn ___3___
d. Fee-related reason ___6___
e. Records not reasonably described ___0___
f. Not a proper FOIA request for some reason ___0___
g. Not an agency record ___0___
h. Duplicate request ___0___
i. Other (Glomar) ___4___

VII. COMPLIANCE WITH TIME LIMITS/STATUS OF PENDING REQUESTS.

A. 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 ___1,529___
b. Median number of days to process ___16___

2. Complex requests (specify for any and all tracks used)
a. Number of requests processed ___1,816___
b. Median number of days to process ___17___

3. Requests accorded expedited processing
a. Number of requests processed ___5___
b. Median number of days to process ___15___

(NOTE: The number of requests listed in the different tracks must equal the number of requests processed from section A, Line 3.)

B. 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 06 __295__
2. Median number of days requests were pending at end of FY 06__14__

VIII. COMPARISONS WITH PREVIOUS YEAR(S) (Optional)

F. Describe Agency Efforts To:

1. Improve timeliness:
   a. Referrals are made as soon as a FOIA is received to improve ability to meet timeframes.
   b. The RO coordinates with the Forest FOIA coordinators in order to understand what the FOIA is requesting.
   c. Created FOIA Web-page and on-line FOIA requests.
   d. Proactive disclosure of records – some forests have posted Geospatial data on the Web.

2. Reduce backlog:
   a. Working diligently to clear up pending cases and get clarification from headquarters on outstanding cases to close up any files.

3. Provide training:
   a. FOIA Coordinators were encouraged to take their own training to develop their individual skills.
   b. Privacy Basics training was provided to all employees.
   c. Monthly conference calls; yearly FOIA Training to FOIA Staff and the forest leadership team.

4. Add new categories of records __None__

IX. COSTS/FOIA STAFFING.

A. Staffing Levels:

1. Number of full-time FOIA personnel __21__
2. Number of personnel with part-time or occasional FOIA duties (in work-years)__76__
3. Total number of personnel (Work-years) __95__

B. Total Costs: *(include staff and all resources)* ***(Note: Use +20% for overhead.)***

1. FOIA processing (including appeals) 2,660,565.72
2. Litigation-related activities (estimated) 3,500.00
3. Total costs 2,664,065.72
4. Comparison with previous year(s) (optional) $261,796.04

Finally, we have expanded the participants in the bimonthly conference calls to include the Forest level FOIA coordinators as a way to provide informal training. FOIA training for two Regions, including the Forest level FOIA coordinators, and for headquarters staff FOIA coordinators occurred in fiscal year 2006.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable).

Our goal to provide notices and updates of late and pending FOIA requests and appeal to headquarters staff directors and Deputy Chiefs has been thwarted because, although we created the reports and began the process, our electronic database tracking system has failed and working to provide the same information from an electronic spreadsheet is tedious and time consuming.

Providing criteria for documents suitable for web posting has proved elusive. The Forest Service produces many unique records. Thus, defining the criteria is complicated. Nonetheless, we continue to examine possible criteria.

D. Additional narrative statement regarding other executive order-related activities (optional).

Not applicable

E. Concise descriptions of FOIA exemptions.

Exemption 1. Classified records related to national defense or foreign policy matters required by executive order to be kept secret.

Exemption 2. Matters related solely to agency internal personnel rules and practices. Exemption 2 applies to:

a. Internal matters of a relatively trivial nature, commonly referred to as "Low 2," and

b. Substantial internal matters, the disclosure of which would risk circumvention of statute or agency regulation, commonly referred to as "High 2."

Exemption 3. Information prohibited from disclosure by another statute only when one of two requirements are met:

a. The other statute requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or

b. The other statute establishes particular criteria for withholding or refers to particular types of matters to be withheld.

Exemption 4. Trade secrets and commercial or financial information that is obtained from a person and that is privileged or confidential, for which release might either:

a. Cause substantial harm to the competitive position of the business submitter, or

b. Impair the Government's ability to obtain necessary information in the future.

Exemption 5. Inter-agency or intra-agency memorandums or records that are not

Exemption 9. Covers geological and geophysical information and data, including maps, concerning wells.

F. Additional statistics:

1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency).

Our oldest item is an appeal that went to the Office of the General Counsel for review for legal sufficiency on August 13, 2003. The date of the original request is May 7, 2003. Our most recent pending item for fiscal year 2006 is also an appeal pending OGC review; the date of the original request for this item is July 5, 2006.

2. Time range of consultations pending with other agencies, by date of initial interagency communication.

The Forest Service has no pending consultations.

G. Attachment: Agency improvement plan (in current form)

Forest Service FOIA Planning Document

A. Nature of FOIA Operations

The Forest Service receives annually about 4,000 requests. Over the last two years, 70 to 75 percent of the responses to those requests have been made within the statutory time frame. Generally, Forest Service Freedom of Information Act (FOIA) operations are decentralized. Requests are received at all levels of the agency, but appeals are processed only in the headquarters. Headquarters has a FOIA staff of six. Four of those analyze and process FOIA requests and appeals. One serves as the point of contact, intake person, and is responsible for the annual report. The final person reviews all requests and appeals. Each Forest Service region has a regional FOIA coordinator who analyzes and processes FOIA requests received at the regional office and has oversight of the National Forest level FOIA coordinators. Each Forest level FOIA coordinator responds to requests received by the forest; this level has no denial authority and must refer to the respective regional FOIA coordinator a request, in whole or in part, that requires a denial of any nature. Finally, other discrete, organizational elements of the Forest Service also have FOIA coordinators; however, as a group these units received very few requests.

B. Areas Selected for Review

Forest Service reviewed the following areas of its FOIA program:

Communication with Requesters
Automated Tracking
Backlog Reduction
Proactive disclosure of agency records

C. Summary of Results of Review

The agency review revealed that in its communication with its requesters, at all levels within the agency, FOIA coordinators and analysts are quick to contact a requester to clarify a request. Because about 80% of requests are answered within the statutory time period, few regional or National Forest level coordinators send acknowledgement letters. The review disclosed that the headquarters level needed to improve its communications with those who appeal because legal review may take considerable time.

When reviewing the automated tracking capabilities of the agency, Forest Service found

The review also examined proactive disclosure of agency records. While Forest Service web sites contain massive amounts of information. A typical FOIA request still must rely upon providing paper or other electronic records.

D. Areas Selected for Improvement

The FS has selected the following as improvement areas:

- Proactive disclosure of information
- Improvement of agency's FOIA Reference Guide
- Automated tracking capabilities
- Troubleshooting of any existing problems (even minor ones) with existing request tracking
- Expedited processing
- Backlog reduction/elimination
- Overall FOIA Web site Improvement
- Case-by-case Problem Identification
- Additional training

Specifically, the Forest Service plans to:

Establish criteria to identify types of records that should be posted on the web

- By December 31, 2006
- Criteria will be developed by November 15, 2006
- Criteria will be disseminated to agency personnel by December 31, 2006.

Revise its FOIA Reference Guide currently found on the web

- By March 31, 2007
- Initial revision by October 31, 2006
- Review initial revision by December 15, 2006
- Send to Regional FOIA Coordinators for comment on December 15, 2006
- Obtain feedback by mid January 2007
- Make necessary revisions by end of February 2007
- Post updated Reference Guide by March 31, 2007

Procure a new electronic tracking/redacting system with enhanced features

- By September 30, 2007
- Secure funds by September 30, 2006

- Implement first phase (install/configure system, train staff at headquarters) by February 2007

- Implement second phase for Regional FOIA Coordinators
- By June 30, 2007

Develop and use prompt responses to notify requesters of receipt of request, of issues related to unperfected request, or date appeal was sent to OGC for review

- By August 31, 2006
- Prompt Responses in use

Develop and use prompt responses to notify requesters of determinations on requests for expedited review

- By August 31, 2006
- Prompt responses in use

Reduce or eliminate the backlog

- Continue to provide timely reminders to staff FOIA coordinators regarding overdue FOIA requests
- Continue sending overdue reports to program area staff directors who must provide responsive records to the FOIA Office.
- Begin sending overdue reports to the Deputy Chiefs for their program areas
  - Develop format for the overdue report by March 31, 2006
  - Obtain approval to send report March 31, 2006
  - Send out first overdue report by end of April 2006
- Exclusive of those in the Office of the General Counsel, eliminate 75% of the backlog (42) existing on December 31, 2005
- By September 30, 2006

Improve FOIA Website

- Review headquarters FOIA website and update as required
- By August 31, 2006
- FS will review the Regional FOIA websites and update as required
- By end of January 2007
- All Regional websites will be updated
- By end of March 2007

On a case-by-case basis, identify and share common problems and the solutions to those

areas and/or problems that arose in the processing of FOIA requests.

- Immediate
- Agenda item will be established for each meeting

Provide training needed (formal and/or on-the-job)

- Continue to provide FOIA training opportunities to agency FOIA coordinators
  - Regional FOIA Coordinators will continue to provide training to the forest FOIA coordinators.
  - Headquarters FOIA group will continue to provide quarterly training to WO staff FOIA coordinators.
- Immediate
- Recorded training sessions held and number of attendees per session
- Training is on-going

F. Improvement areas by time periods

1. By December 31, 2006

- Proactive disclosure of information
- Troubleshooting of any existing problems with existing request tracking
- Expedited processing
- Backlog reduction/elimination
- Case-by-case Problem Identification
- Process by which necessary Cooperation Is Obtained from Agency Program Personnel
- Additional training

2. By December 31, 2007

- Improvement of agency's FOIA Reference Guide
- Automated tracking capabilities
- Overall FOIA Web Site Improvement

3. After December 31, 2007
   None