

From: Benewah County Board of County Commissioners
And The Benewah County Natural Resource Team

{ County Letterhead }

To: USDA Forest Service, FOIA Service Center /FOIA Liaison
Federal Building
200 East Broadway
P.O. Box 7669
Missoula, Montana 59807-7669

Email Requests to: R1_FOIA@fs.fed.us

Dear FOIA Officer:

This is a request under the Freedom of Information Act (5 U.S.C. §552, as amended).

By this letter we are requesting the following information:

- 1.** A copy of the contract between the USDA Forest Service and Contractor for the writing of the DEIS IPNF Revised Forest Plan
- 2.** all documents and instructions submitted to the contractor for the writing of the DEIS IPNF Revised Forest Plan
- 3.** All memorandums or emails giving further information or instructions during the ongoing process of writing the DEIS IPNF Revised Forest Plan

Please include all forms of communications, documents, files and/or records, which shall include but not be limited to mean:

- A.** Any written or printed paper that bears the original, official, or legal form or copy of information.
- B.** Any Audio or videos recording in any medium or format.
- C.** Any piece of work created with an application, such as by a word processor whether in print or any electronic format.
- D.** Any work of a writer; anything expressed in letters of the alphabet.
- E.** Anything serving as a representation of a person's thinking by means of symbolic marks regardless of the format used to transmit, store or configure the thinking.
- F.** Any creation that is a visual or tangible rendering of someone or something.
- G.** Any letter, missive or other written message addressed to a person or organization.
- H.** Any written account or description.
- I.** Any communication communicated by or to or between people or groups or entities or agencies.
- J.** A document includes any file that contains information that a user can view or hear. It includes a word processed letter, a picture, a sound byte, or something similar.
- K.** Documents include anything created and edited using any software programs in coordination with computer programs such as Microsoft Word, or Adobe Photoshop.

These documents will illuminate in a clear and direct way, the operations and activities of the USFS as it acts to fulfill important Congressional mandates to develop the Forest Plan and it's resulting determination of the preferred alternative. The Benewah County Board of County

Commissioners are directly responsible for the health, safety and welfare, cultural heritage, and the economic well being of the citizens and communities that we represent which are located within or around USDA-USFS IPNF managed lands.

The release of this information will significantly contribute to public understanding and oversight of the USFS operations, particularly regarding the USFS policies and regulations relating to the Forest Service actions which have significant health, safety, welfare, and economic impacts to the Northern Idaho/ Western Montana region as it relates to the fulfillment of the cited Congressional mandates.

This request is not meant to be exclusive of any other records which, though not specifically requested, would have a reasonable relationship to the subject matter of this request.

In the event that access to any of the requested records is denied, please note that the FOIA provides that if only portions of a requested file are exempted from release, the remainder must still be released. We therefore request that we be provided with all non-exempt portions which are reasonably segregable. We further request that you describe the deleted material in detail and specify the statutory basis for the denial as well as your reasons for believing that the alleged statutory justification applies in this instance. Please separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest. Such statements will be helpful in deciding whether to appeal an adverse determination, and in formulating arguments in case an appeal is taken. The USFS written justification might also help to avoid unnecessary litigation. We of course reserve our right to appeal the withholding or deletion of any information and expect that you will list the office and address where such an appeal can be sent.

We anticipate, however, that you will make the requested materials available within the statutorily prescribed period. We thus also request that you waive any applicable fees since disclosure meets the statutory standard for waiver of fees in that it is clearly "in the public interest because furnishing the information can be considered as primarily benefiting the general public," 5 U.S.C. § 552(a)(4)(A). In this regard, We reiterate that we have no intention of using the information disclosed for financial gain. If for some reason, the fee waiver request is denied, while reserving our right to appeal such a decision, we are willing to pay \$25.00 (Twenty five dollars) to cover costs of document search and duplication.

Access to the requested records should be granted within twenty (20) working days from the date of your receipt. Failure to respond in a timely manner shall be viewed as a denial of this request and the requesters may immediately file an administrative appeal. Thanking you in advance for your prompt reply.

CC: Raymond Gregory Smith – USDA- FS WO – Reviewing Officer
Senator Jim Risch
Senator Mike Crapo
Representative Raul Labrador
Representative Mike Simpson
Bonner County Commissioners
Shoshone County Commissioners
Kootenai County Commissioners
Idaho Governor C.L. 'Butch' Otter
Senator Sheryl Nuxoll - Idaho Legislature District 7
Rep. Paul Shepard - Idaho Legislature District 7
Rep Shannon Mc Millan -Idaho Legislature District 7

District Idaho Legislators (TBD)
Senator Jennifer Field – Montana State Legislature
Senator Kerry White - Montana State Legislature
Steve Curtiss – Glen lakes Irrigation District
Robin Stanley – Mullan School District
Sanders County Natural Resource Council