

(USDA Forest Service)  
FY 2005 Annual FOIA Report

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

**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 contractors
- National Historic Preservation Act of 1966 (16 U.S.C. 470w-3):
  - Location and nature of historic sites
- National Historic Preservation Act of 1968:
  - Location and nature of historic sites

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

**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 04	<u>423</u>
2. Number of requests received during FY 05	<u>3,608</u>
3. Number of requests processed during FY 05	<u>3,664</u>
4. Number of requests pending at end of FY 05	<u>367</u>

**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 2,347
- 2. Number of partial grants 640
- 3. Number of denials 310
- a. Number of times each FOIA exemption used: (count each exemption once per request)

- (1) Exemption 1 0
- (2) Exemption 2 10
- (3) Exemption 3 25
- (4) Exemption 4 78
- (5) Exemption 5 137
- (6) Exemption 6 236
- (7) Exemption 7(A) 15
- (8) Exemption 7(B) 7
- (9) Exemption 7(C) 72
- (10) Exemption 7(D) 1
- (11) Exemption 7(E) 5
- (12) Exemption 7(F) 2
- (13) Exemption 8 0
- (14) Exemption 9 0

- 4. Other reasons for nondisclosure: (total) 367
- a. No records 246
- b. Referred elsewhere (See Note) 16
- c. Request withdrawn 29
- d. Fee-related reason 21
- e. Records not reasonably described 11
- f. Not a proper FOIA request for some reason 8
- g. Not an agency record 8
- h. Duplicate request 3
- i. Other (specify) 25

(Note: Do not count requests referred within your agency in this category, it pertains only to requests that are referred outside of your agency)

**VI. APPEALS OF INITIAL DENIALS OF FOIA/PA REQUESTS (includes all access requests, whether first-party or third-party).**

**A. Number of Appeals:**

- 1. Number of appeals received during FY 05 69
- 2. Number of appeals processed during FY 05 61

**B. Disposition of Appeals:**

- 1. Number completely upheld 10
- 2. Number partially reversed 20
- 3. Number completely reversed 10

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

- (1) Exemption 1 0
- (2) Exemption 2 1
- (3) Exemption 3 1
- (4) Exemption 4 1
- (5) Exemption 5 13
- (6) Exemption 6 11
- (7) Exemption 7(A) 1
- (8) Exemption 7(B) 0
- (9) Exemption 7(C) 6
- (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): 21
  - a. No records 16
  - b. Referred elsewhere 0
  - c. Request withdrawn 1
  - d. Fee-related reason 1
  - 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 1
  - i. Other (specify) 2

## 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 1,426
  - b. Median number of days to process 18
  
2. Complex requests (specify for any and all tracks used)
  - a. Number of requests processed 2,196
  - b. Median number of days to process 18
  
3. Requests accorded expedited processing
  - a. Number of requests processed 42
  - b. Median number of days to process 14

*(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 05 367
2. Median number of days requests were pending at end of FY 05 16

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

**E. Describe Agency Efforts To:**

1. Improve timeliness:
  - a. Utilize a detailed log sheet (NE/NA);
  - b. Emphasis on using FOIA log to track replies (R-3); and
  - c. Regional coordinators to work with forest coordinators and staff on the importance of meeting FOIA timelines (R-8).
2. Reduce backlog:
  - a. Provide routine follow-up on requests to staffs involved (NE/NA);
  - b. RO has detailed/hired two temporary full-time FOIA coordinators to assist in reducing significant backlog of requests at the RO (R-3); and
  - c. Continue working late nights and weekends to reduce backlog (R-8).
3. Provide training:
  - a. FOIA Training provided at Forest/District Locations (R-2);
  - b. Have established monthly conference calls with Forest FOIA Coordinators to discuss handling FOIA's and various processing issues, this will continue into the next year (R-3); and
  - c. Regional FOIA Coordinators has taken a training course already this FY, and plan to visit forests and train staffs (R-8).
4. Add new categories of records None

**IX. COSTS/FOIA STAFFING.**

**A. Staffing Levels:**

1. Number of full-time FOIA personnel 24
2. Number of personnel with part-time or occasional FOIA duties (in work-years) 79
3. Total number of personnel (Work-years) 103

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

1. FOIA processing (including appeals) 2,654,182.62
2. Litigation-related activities (estimated) 65,380.48
3. Total costs 2,692,325.14
4. Comparison with previous year(s) (optional) \_\_\_\_\_

**C. Statement of additional resources needed for FOIA compliance (optional).**

**X. FEES:** (includes charges for search, review, document duplication, and any other direct costs permitted under agency regulations.)

- A. Total amount of fees collected for processing requests 27,007.81
- B. Percentage of total costs 25%

**XI. FOIA REGULATIONS:** (including Fee Schedule): \_\_\_\_\_