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May 6, 2005

Mr. Darrell Geist
PO Box 7941
Missoula, Montana 59807-7941

Dear Darrell:

I am enclosing the letter I received from the Gallatin National Forest in response to my inquiry on your behalf. I certainly appreciate your bringing this problem to my attention.

I hope that you find this information helpful. Please let me know if I can be of assistance in the future.

With best personal regards, I am

Sincerely,



Cc: Mr. Dan Brister

MSB/ dwc



United States
Department of
Agriculture

Forest
Service

Gallatin National Forest

Supervisor's Office
10 East Babcock
P.O. Box 130
Bozeman, MT 59771

File Code: 1510/5400/2670

Date: May 6, 2005

Honorable Max Baucus
Federal Building, Room 114
32 East Babcock
Bozeman, MT 59715

Dear Senator Burns:

I am responding to your April 28, 2005 letter to me regarding communication you received from Darrell Geist and Dan Brister of the Buffalo Field Campaign. On April 27, 2005, Mr. Geist and Mr. Brister wrote to request your assistance in disclosing public records held by the Forest Service (Gallatin National Forest) concerning the 1999 Royal Teton Ranch (RTR) land conservation project.

I appreciate your inquiry into this matter. I will take this opportunity to describe the efforts we've made during the past four years (2002-05), and that we are continuing to make, to be responsive to the several requests from Mr. Geist to obtain copies of documents concerning the RTR project and livestock grazing allotments, under the Freedom of Information Act (FOIA).

Let me first summarize the 1999 RTR land conservation project. The RTR project was a collaborative effort among the Rocky Mountain Elk Foundation (RMEF), Forest Service, the Department of the Interior (DOI), and the landowner, Church Universal and Triumphant ("Church"). The primary goals of the RTR project were to protect important wildlife habitat and to consolidate lands to improve public access and management effectiveness.

The RTR project consisted of these primary components: purchase of RTR lands in two phases, a purchased conservation easement, a land exchange, an exchange of geothermal rights, and a 'right of first refusal' for the remaining Church-owned lands west of the Yellowstone River. The land purchases and conservation easement purchase were completed in 1998-1999 with LWCF funding. The proposed land exchange and geothermal transactions are in progress but have not been completed. The right of first refusal remains in effect and is held by the RMEF.

I will next summarize the efforts the Forest Service has made to be responsive to requests from Mr. Geist. In March 2002, Mr. Geist first contacted the Gallatin National Forest regarding the RTR project. At that time, we sent Mr. Geist a written overview of the RTR project and maps. Given the volume of information regarding this project, we offered to make arrangements to meet with him in our Bozeman office to review the project files.

On March 27, 2002, Mr. Geist spent a day in our office reviewing the RTR project files. To assist him, our staff compiled an index listing of the RTR project files. As requested, we provided copies to Mr. Geist of numerous documents pertinent to the RTR project. These documents included the 1999 RTR Agreement, briefings, the 1999 Deed of Conservation



Easement with exhibits and a Baseline Study, a proposed Bison Management Plan offered by the Church, information regarding termination of a former grazing lease on Church lands, federal funding and cost information, and correspondence regarding DOI's effort to purchase grazing rights on remaining Church-owned lands.

In June 2002, the Regional Forester's office responded to another request from Mr. Geist for accounting information. That office provided a detailed summary of the costs and expenditures associated with the \$13.3 million RTR land purchases.

In June 2004 and in September 2004, Mr. Geist again made arrangements to visit our office to review files associated with the RTR project. He also made requests to visit the Gardiner Ranger District to review RTR files and grazing allotment files in that office. Our staff in both offices made a sincere effort to be responsive to Mr. Geist's requests, and we again met with Mr. Geist in Bozeman and in Gardiner and provided files for his review. Following these office visits, he requested copies of numerous documents that he had marked in the files, by e-mail letters dated June 24, 2004 and September 14, 2004. He also requested a fee waiver.

The Forest Service provided copies of documents responsive to Mr. Geist's June 2004 request on July 17, 2004, October 7, 2004 and finally on February 15, 2005. The multiple responses were due to the need for higher-level review of certain documents requested to determine whether they were releasable under FOIA. The February 15, 2005 response from our Washington Office, responding to his appeal of documents previously withheld by the Regional Forester's office, released all documents except for withholding one page in redacted form.

The Forest Service provided copies of documents responsive to his September 2004 request on October 18, 2004, on November 12, 2004 and on March 17, 2005. The multiple responses to each request were again due to the need for appropriate higher-level review of certain documents requested to determine whether they were releasable under the FOIA. The Regional Forester released nearly all records, except for withholding privacy information (such as names and addresses) on seven documents. Mr. Geist has appealed the Regional Forester's decision to the Washington Office. The Washington Office's review is pending.

On February 28, 2005, Mr. Geist reviewed grazing allotment files on the Hebgen Lake Ranger District. Although he made no advance arrangements, our District staff made a sincere effort to accommodate his visit, and they provided files for his review. Following his office visit in West Yellowstone, Mr. Geist then requested, by e-mail letter of March 17, 2005, copies of numerous documents that he marked in files. The Forest Service provided copies of documents responsive to this request during the February 28 visit, and again by letter on April 12, 2005.

On February 22 and 23, 2005, Mr. Geist made visits to our office and to the Gardiner District office, without making any advance arrangements. He again requested to review project files pertinent to the RTR project at the Supervisor's office and pertinent to RTR and grazing allotments at Gardiner District. Consistent with advice we received from FOIA staff in our Regional and Washington offices, we asked Mr. Geist to please make arrangements in advance to meet to review these records.

Mr. Geist then made appointments with staff to review files in Bozeman on March 30, 2005 and in Gardiner April 4, 2005. Once again, our staff made concerted efforts to accommodate these requests. We also prepared and gave him an updated index list of the RTR files. I am enclosing a copy of this index list for your reference.

Mr. Geist has submitted requests, by an e-mail letter dated April 12, 2005, for copies of numerous additional documents that he marked in files in both offices in March and April 2005. We are now in the process of responding to this latest request, and we expect to provide all releasable documents to him within the next week.

As discussed above, Mr. Geist has received all records he has sought, except for minimal redaction under FOIA. As we stated to Mr. Geist in March, our staff makes a continual, on-going effort to maintain current, organized case files. We have retained all documentation consistent with federal law. We have removed and recycled only a relatively few documents such as duplicate documents, prior drafts of documents that have since been finalized, and documents for which the retention period has lapsed.

In summary, Mr. Geist has received copies all releasable documents that were responsive to these FOIA requests. Several hundred documents have been provided, all with a fee waiver. Except for those very few portions of documents that were determined exempt under FOIA, all requested documents have been provided. In the next few days, Mr. Geist will receive the documents he requested on April 12. The staff of the Gallatin National Forest has spent hundreds of hours working with Mr. Geist in our offices and in providing copies of documents.

I have also recently responded to an April 5, 2005 inquiry from the Western Environmental Law Center, on behalf of Mr. Geist and Mr. Brister. I am enclosing a copy of our response. As discussed in our letter, we will be providing a more detailed response in the near future.

If you have questions or need more information, feel free to contact me. I would also like to invite you, or your staff in Bozeman, to visit our office and review the RTR project files. That may give you a better appreciation for how the case files are organized and retained. Please contact me if you would like to do that. Thank you again for your interest in this matter.

Sincerely,



REBECCA HEATH
Forest Supervisor