



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: 6270/5400

Date: April 29, 2005

Amy R. Atwood, Attorney  
Western Environmental Law Center  
1216 Lincoln Street  
Eugene, OR 97401

Dear Ms. Atwood:

I am responding to your April 5, 2005 letter that you sent me on behalf of Darrell Geist and Dan Brister, of the Buffalo Field Campaign, regarding maintenance of Gallatin National Forest records pertinent to the 1999 Royal Teton Ranch (RTR) project and other files.

Specifically, I will respond to your suggestion and concern that we may have destroyed or removed records that were responsive to Mr. Geist's past Freedom of Information Act (FOIA) requests submitted to this office. That is certainly not the case.

In June 2004 and in September 2004, Mr. Geist made requests to visit the Supervisor's office to review project files associated with the RTR project, and to visit the Gardiner Ranger District office to review RTR project files and grazing allotment files on that district. Our staff in both offices made a sincere effort to be responsive Mr. Geist's requests, and we provided the files for his personal review in Bozeman and in Gardiner.

Following these office visits, Mr. Geist submitted requests for 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.

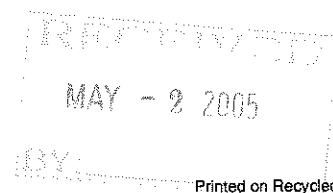
The Forest Service provided copies of documents responsive to Mr. Geist's first request on July 17, 2004, on October 7, 2004 and finally on February 15, 2005. The multiple responses were due to the need for higher-level review of certain documents requested to determine whether they were releasable under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

The Forest Service provided copies of documents responsive to his second 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.

**Mr. Geist has received all releasable documents that were responsive to these two requests. Several hundred documents have been provided, all with a fee waiver.**



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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 the files for his review. Following his office visit in West Yellowstone, Mr. Geist submitted a request for copies of numerous documents that he marked in files, by e-mail letter to Tris Hoffman dated March 17, 2005. 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 the Supervisor's 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 the Regional and Washington offices, we asked Mr. Geist to make arrangements in advance to meet to review these records. He then made appointments with staff to review the files in both offices on March 30, 2005 and April 4, 2005. Once again, our staff made concerted efforts to accommodate Mr. Geist's requests.

Mr. Geist has submitted requests for copies of numerous additional documents that he marked in files in both offices, by an e-mail letter dated April 12, 2005. We are currently in the process of responding to this latest request.

By separate letter, I will respond to the questions and concerns identified on page 3 of your letter regarding the retention and disposition of records under the Federal Records Act. Thank you for your interest in this matter, and for your patience as we address your questions and concerns.

Sincerely,



**REBECCA HEATH**  
Forest Supervisor

Cc: Regional Forester  
Gardiner RD  
Hebgen Lake RD