



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: 5400/6270

Date: June 1, 2005

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

Dear Ms. Atwood:

By letter of April 29, 2005, I responded to your April 5, 2005 letter to me regarding maintenance of file records for the 1999 Royal Teton Ranch (RTR) land conservation project, and release of documents that were requested in 2004 by Darrell Geist of the Buffalo Field Campaign under the Freedom of Information Act (FOIA).

As indicated in my first letter, Mr. Geist has received copies, with full fee waiver, of all RTR and grazing permit documents that he marked during visits to our offices during the past three years, and that he requested under the FOIA, except for those very few portions of documents that were determined by our Regional Office and/or Washington Office (through appeals) to be exempt under FOIA.

In my April 29th letter, I also indicated that we would further study and address your concerns regarding the retention and disposition of relevant case file documents under the Federal Records Act of 1950, and agency policies and procedures. We have now reviewed this matter and I will address your concerns.

It is important to 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.

Consistent with Forest Service policy, the Gallatin National Forest uses and maintains a filing system as the basis for management, storage, retrieval and disposal of records. The Gallatin National Forest makes every effort, and to our knowledge, complies with federal law in maintenance of our filing systems. Specifically, the Gallatin National Forest manages our file



system consistent with Forest Service Manual 6230 – Records Creation, Maintenance and Disposition, and Forest Service Handbook (FSH) 6209.11 – Records Management Handbook. Forest Service Handbook 6209.11 contains the Forest Service’s disposal schedules based on SF-115s consistent with 36 CFR 1228.50, the Federal Records Act and Record Management Disposal Act.

In response to your request, we are attaching the pertinent SF-115’s and the entire FSH 6209.11 that provides the criteria, policy and retention period schedule for federal records that the Gallatin National Forest follows.

In managing our case files and records, particularly in the Lands program area, we make every effort to systematically store and manage records so they can be located and used in an orderly and timely manner by staff, now and into the future. Although this is a continual challenge given our large workload and limited staffing, we take pride in maintaining reasonably well-organized, presentable and useful case files.

For information and reference, I am also enclosing a two-page list of the files that we continue to maintain for the 1999 Royal Teton Ranch project.

Under the Forest Service filing system, the primary filing codes for the RTR project, and related projects such as the purchase of lots in the Town of Evandale from other owners, include:

- 5400 Landownership,
- 5420 Purchases,
- 5430 Exchanges, and
- 5440 Partial Interests (Devil’s Slide Conservation Easement).

FSH 6209. 11, 41 – Part 07 provides the retention schedules for these filing codes. For the RTR files multiple permanent title files have been created. As discussed above, the land purchases and conservation easement purchase were completed in 1998-1999. The proposed land exchange and geothermal transactions are in progress but have not been completed.

The “Retention Period” for case file records in Lands varies depending on the type of document. At the Forest Supervisor’s Office, Lands case file documents, including those for the RTR project, typically fall into one of the following three categories.

1. **Records in Permanent Title file:** First, and most importantly, record materials that are deemed necessary for long-term use and reference and are necessary for the protection of the United States title and interest in land are retained in a permanent file. (See FSH 6209, 41 Part 07, File code 5590). The Gallatin National Forest has retained all documents in permanent files consistent with the FSH including final agreements, contracts or purchase options, land surveys and exhibits, NEPA decisions, conveyance documents (patents, deeds, easements) final title insurance policies and legal title opinions, and an agency review/approval of a final appraisal report. For conservation easements, the easement deed, baseline inventory report and monitoring reports are also part of the permanent file.

- 2. Records Subject to Other Retention Periods:** Most other documents in the 5400, 5420, 5430, 5440 file codes, including general correspondence, are retained under a 3-year retention schedule or until local need ceases as identified in FSH 6209, 41 Part 07, File code 5400, 5420, 5430, 5440. The Gallatin National Forest has screened documents that are older than 3 years on a periodic basis to determine whether they are necessary for retention in a permanent file or are otherwise needed. All documents listed in #1 are retained in a permanent file. All other documents that the Forest Service determines to be still needed are retained. However, if the documents are (a) deemed not necessary for the permanent file, and (b) our review concludes that there is no further need for the document and the retention period has lapsed, then those documents are no longer retained.
- 3. Nonrecord Material:** Other documents, that are not record material, but that may be kept in case files only for convenience or short-term reference, are routinely screened, separated from official files and disposed on a regular basis. Examples of non-record material are duplicates of documents retained for convenience or reference and drafts of reports and correspondence that were superceded by final documents, routing slips and transmittal sheets, and working papers not needed to document project activity that were determined to not contain unique information that would add to an understanding of the agency's decisions or actions.

We believe the Gallatin National Forest has managed and maintained the records and files for the RTR project consistent with regulations, agency directives and guidance for records management. 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. These documents were determined to be: (a) beyond the specified retention period and not necessary for retention in a permanent file, and for which the Forest Service had no further need, and/or (b) non-record material, such as duplicate documents, prior drafts of documents that have since been finalized.

The RTR documents that were removed from the case files have been recycled and are no longer available. There are two exceptions.

First, the worksheets prepared in May 2000 by the Rocky Mountain Elk Foundation (RMEF) for estimating expenses incurred by that organization in working on the RTR project were returned to RMEF's office. We retained a summary of the RMEF expenses in the project file.

Second, over the course of the past three years, the Forest Service has provided copies of numerous RTR file documents to Darrel Giest under the FOIA. Therefore, he may have copies of some of the documents that were subsequently disposed under the records management policy and retention schedule described herein.

You also inquired about grazing allotment files, which are maintained on our Ranger Districts, and not in this office. Our screening and disposal of documents for the RTR project did not affect the grazing allotment files.

Thank you for your interest in this matter, and for your patience as we address your questions and concerns. If you have further questions, feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca Heath".

REBECCA HEATH
Forest Supervisor

Enclosures

cc: Regional Forester, with enclosures

REQUEST FOR RECORD DISPOSITION AUTHORITY (See Instru <i>in reverse</i>)		JOB NI-95-88-2	
TO: GENERAL SERVICES ADMINISTRATION NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408		DATE RECEIVED 3-18-88	
1. FROM (Agency or establishment) US Department of Agriculture		NOTIFICATION TO AGENCY	
2. MAJOR SUBDIVISION Forest Service		In accordance with the provisions of 44 U.S.C. 3303a the disposal request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10. If no records are proposed for disposal, the signature of the Archivist is not required. <i>Get's</i>	
3. MINOR SUBDIVISION Information Systems Staff			
4. NAME OF PERSON WITH WHOM TO CONFER Norina G. Mosby	5. TELEPHONE EXT. 235-2539	DATE 8/30/88	ARCHIVIST OF THE UNITED STATES <i>Claudia Pfeiffer</i>

6. CERTIFICATE OF AGENCY REPRESENTATIVE
 I hereby certify that I am authorized to act for this agency in matters pertaining to the disposal of the agency's records; that the records proposed for disposal in this Request of _____ page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified; and that written concurrence from the General Accounting Office, if required under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies, is attached.

A. GAO concurrence: is attached; or is unnecessary

7. DATE 3/10/88	8. SIGNATURE OF AGENCY REPRESENTATIVE <i>Mary H. Davis</i>	9. TITLE Records Management Officer
---------------------------	---	---

7. ITEM NO.	8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARS USE ONLY)
	<p>The Forest Service request approval for a comprehensive retention schedule and a single disposal authority to cover records created and maintained Service-wide under file series 1010-7730. The itemized job and item numbers and General Records Schedule references appearing next to each file designation are currently approved by the National Archives.</p> <p>The last comprehensive schedule was approved under NN-166-136 on March 6, 1966. This schedule supersedes the enclosed job numbers.</p>		

Royal Teton Ranch (RTR) Land Conservation Project

(Forest Service, Rocky Mountain Elk Foundation (RMEF), Dept. of the Interior (DOI) and Church Universal and Triumphant, Inc. (Church))

CASE FILES

- **Master Agreements**
- **Corporate Documents - for Church and for RMEF**
- **RTR Maps**
- **FOIA Requests – Darrell Geist/CMCR**
- **Correspondence**
- **RTR Media/Briefings/Dedication**
- **Right of First Refusal (RMEF)**
- **FS Minerals Report and HAZMAT Report for RTR Lands**
- **North Dry Section 17 Purchase**
- **North Dry Section 17 – Title file**
- **Bassett Creek (AB Wilderness) Purchase**
- **Phase I RTR Purchase**
- **Phase I Purchase – Title File**
- **Phase I Purchase - Minerals Ownership file**
- **Phase II RTR Purchase**
- **Phase II RTR Purchase – Title file**
- **Phase II Purchase - Minerals Ownership file**
- **Beall Life Estate (Phase II Purchase)**
- **Beattie Gulch – Road and Trail Easements (Phase II Purchase)**
- **RTR Hunting Lease (Edwin Johnson)**
- **RTR Agricultural (grazing) Lease and FS Temporary Permits**
- **Evendale (Kopland) Lots Purchase**
- **Glotch Parcel (Park County - proposed donation)**

CASE FILES

(continued)

- **RTR Conservation Easement (Devil's Slide)**
- **Original Conservation Easement documents**
- **Baseline Report – Devil's Slide Conservation Easement**
- **Minerals Ownership file – Conservation Easement**

- **RTR – Bison Management**
- **Interagency Bison Management Plan EIS and Summary**

- **Proposed DOI Purchase of RTR Grazing Rights**

- **RTR Land Exchange (proposed)**
- **Minerals Ownership file for proposed RTR Land Exchange**
- **Aldridge County Road Title File** (Includes info on county roads. Pertinent info will be incorporated into RTR Exchange file when title work is completed)
- **Townsite of Aldridge Title File** (Includes info on the abandoned townsite, lands. Pertinent info will be included into RTR Exchange file when title work is completed.)

- **LaDuke/Geothermal Agreement (1999) and EA/DN/FONSI**
- **Geothermal Rights (Church to US)**
- **History – LaDuke Springs, Proposed Legislation (pre-1998)**