



WILDERNESS WATCH

Keeping Wilderness Wild

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January 31, 2022

FOIA Coordinator
US Forest Service Region VI
1220 SW 3rd Ave.
Portland, OR 97204

Submitted via email: SM.FS.R6FOIA@usda.gov

Re: Freedom of Information Act Request:
Project Records and Other Materials Associated with the Final EA and Draft Decision Notice
And Finding Of No Significant Impact Glacier Peak Seismic Monitoring Project Located Within
The Glacier Peak Wilderness

Dear FOIA Coordinator:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 et. seq., Wilderness Watch requests the following information concerning the Final EA and Draft Decision Notice And Finding Of No Significant Impact Glacier Peak Seismic Monitoring Project Located Within The Glacier Peak Wilderness.

Thus, we request all records pertaining to the above referenced incident, including but not limited to:

1. The Project Record/Project File for this project
2. If not included in the above, any communication about this project, including but not limited to communication between the Forest Service and the USGS or other scientists such as:
 - electronic mail messages and other electronic messaging records
 - voicemail messages
 - text messages
 - facsimile records
 - phone logs and notes
 - internal and external communication records
 - meeting notes
 - raw data and data summaries
 - maps and survey records

FEE WAIVER REQUEST: Wilderness Watch formally request a fee waiver for all search and duplication fees under the FOIA and its implementing regulations. *See* 5 U.S.C. § 552(a)(4)(A); 7 C.F.R. Appendix A to Subpart A of Part 1, Section 6. Wilderness Watch is a tax-exempt, non-profit organization and will derive no commercial benefit from this FOIA request. The information requested will benefit the citizens of the United States and is for the

purpose of public education and to encourage public debate on important policy issues involving Wilderness administration and access to information. The requested information will be made available to the public through the Wilderness Watch office, website, and/or newsletters and press releases. University students, grassroots

conservationists, journalists, scientists, and the general public, from across the United States, access information from Wilderness Watch's office to better understand issues and agency actions pertaining to implementation of the Wilderness Act and Wilderness Plans on public lands. The information requested through this FOIA request will benefit the American public by improving our understanding of how the government, in this case the Forest Service operates, and how it makes important decisions regarding the management of public lands. The proposed use of helicopters and placement of structures in the Glacier Peak Wilderness is of great interest and concern to Wilderness Watch's members and the general public. Congress, in implementing the FOIA, explicitly recognized the need for non-profit organizations to have free access to government documents and that government agencies cannot impair this free access by charging duplication or search fees for FOIA information requests.

NOTICE REGARDING THE PRESERVATION OF RECORDS: The Forest Service must preserve all the records requested herein while this FOIA is pending or under appeal. The Forest Service shall not destroy any records while they are the subject of a pending request, appeal, or lawsuit under the FOIA. *See Chambers v. U.S. Dep't of Interior*, 568 F.3d 998, 1004 (D.C. Cir. 2009) ("an agency is not shielded from liability if it intentionally transfers or destroys a document after it has been requested under FOIA or the Privacy Act"). If any of the requested records are destroyed, the agency and responsible officials are subject to attorney fee awards and sanctions, including fines and disciplinary action. A court held an agency in contempt for "contumacious conduct" and ordered the agency to pay plaintiff's costs and fees for destroying "potentially responsive material[.]" *Landmark Legal Found. v. EPA*, 272 F.Supp.2d 59, 62 (D.D.C. 2003); *see also Judicial Watch, Inc. v. Dep't of Commerce*, 384 F. Supp. 2d 163, 169 (D.D.C. 2005) (awarding attorneys' fees and costs because, among other factors, agency's "initial search was unlawful and egregiously mishandled and ...likely responsive documents were destroyed and removed"), *aff'd in relevant part*, 470 F.3d 363, 375 (D.C. Cir. 2006). In another case, in addition to imposing a \$10,000 fine and awarding attorneys' fees and costs, the court found that an Assistant United States Attorney prematurely "destroyed records responsive to [the] FOIA request while [the FOIA] litigation was pending" and referred him to the Department of Justice's Office of Professional Responsibility. *Jefferson v. Reno*, 123 F. Supp. 2d 1, 6 (D.D.C. 2000).

WHERE TO SEND RESPONSIVE DOCUMENTS: In an effort to reduce copy waste and expense, we would prefer electronic copies of any documents produced in response to this request. Please send responsive information to the following address:

MAILING

Wilderness Watch
PO Box 9175
Missoula, MT 59807

EMAIL DELIVERY:

gmacfarlane@wildernesswatch.org

This request is time-sensitive. We look forward to your response within 20 business days as required by the FOIA. *See* 5 U.S.C. § 552(a)(6)(A)(i). If you have any questions, please feel welcome to contact me at 208-882-9755 or gmacfarlane@wildernesswatch.org.

Sincerely,



Gary Macfarlane
Board Member

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