



File Code: 6270
Date: April 14, 2020

Ms. Lorraine Boissoneault
Great Lakes Now

Dear Ms. Boissoneault:

This is our final response to your Freedom of Information Act (FOIA) request #2020-FS-R9-03344-F of April 6, 2020, which was considered to be perfected on April 8, 2020. You requested the following information:

- “The environmental review of new mining projects within Superior National Forest and the impacts of copper mining on Minnesota watersheds, a study that was canceled in September 2018 before its completion.”

A reasonable search was conducted by this office and 58 pages of records were found to be responsive to your request. Upon review of these records, it has been determined that all 58 pages are being withheld in full according to 5 U.S.C. § 552(b)(5).

Exemptions

FOIA Exemption 5 permits the Government to withhold “inter-agency or intra-agency memorandums or letters which would not be available by law to a party in litigation with the agency.” The most commonly invoked privilege incorporated within Exemption 5 is the deliberative process privilege, the general purpose of which is to “prevent injury to the quality of agency decisions.” Specifically, three policy purposes consistently have been held to constitute the bases for this privilege: (1) to encourage open, frank discussions on matters of policy between subordinates and superiors; (2) to protect against premature disclosure of proposed policies before they are actually adopted; and (3) to protect against public confusion that might result from disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency's action.

We have determined that all responsive records that are the subject of your request contain communication of a deliberative nature and are in draft form. This report has not been made available to the public nor has it been finalized. It is being withheld to protect against premature disclosure of proposed policies on the Superior National Forest before they are actually adopted and to avoid any confusion regarding the agencies decisions. Therefore, all responsive records are being withheld pursuant to the deliberative process component of Exemption 5 of the FOIA, 5 U.S.C. § 552(b)(5).



Fees

Pursuant to Title 7 Code of Federal Regulations (CFR), Subtitle A, Part 1, Subpart A, Appendix A, the FOIA allows for the assessment of search and duplication costs. The first 100 pages of duplication and 2 hours of research time are provided free of charge. We made the discretionary decision to grant you a waiver of fees, therefore, no costs are being assessed with this release.

Appeal Rights

This concludes the Eastern Region's response to your FOIA request. The FOIA provides you the right to appeal this response. Any appeal must be made in writing within 90 days from the date of this letter to the Chief, USDA Forest Service.

Additionally, due to the concerns surrounding the COVID-19 virus we are only accepting appeals electronically at this time. Please email your appeal to SM.FS.WOFOIA@usda.gov. The term "FOIA APPEAL" should be placed in capital letters in the subject line of the email along with the FOIA case number (2020-FS-R9-03344-F) assigned to your request. To facilitate the processing of your appeal, please attach a copy of this letter to your request as well.

If you need further assistance or would like to discuss any aspect of your request, please contact the FOIA Public Liaison at (202) 205-1542. Additionally, you may contact the Office of Government Information Services (OGIS) National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
e-mail: ogis@nara.gov
telephone: (202) 741-5770
toll free: (877) 684-6448
facsimile: (202) 741-5769

If you have questions regarding this FOIA request, you may contact Douglas Meloche douglas.meloche@usda.gov at (404) 347-4427.

Sincerely,



ROBERT LUECKEL
Acting Regional Forester, Eastern Region

Enclosures

cc: Douglas Meloche, Chaquonna Price

Withheld pursuant to exemption

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