



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

California State Office
2800 Cottage Way, Suite W1834
Sacramento, CA 95825
www.ca.blm.gov

NOV 03 2006

In Reply Refer To:
1278 (CA-942) I

Susan Weale
Shasta Coalition for the Preservation of Public Land
9837 Swasey Drive
Redding, CA 96001

Dear Ms. Weale:

This responds to your Freedom of Information Act (FOIA) request received by our Redding Field Office on October 23, 2006 for records concerning the Salmon Creek Resources Land Exchange. For the years 2000 to the present, you requested copies of all communications: 1) concerning public comments or protests; 2) between BLM offices or between BLM and any public agency; and 3, between BLM, Joe Rice and Brent Owen. You also requested all internal BLM records - regardless of the timeframe - including memos, studies, e-mails, and phone and meeting logs.

You requested that the fees to locate and copy these records be waived. You have not provided sufficient evidence to explain why the information would likely contribute to an understanding of specific government operations or activities or how disclosure would contribute to the understanding of the public at large. Therefore, we are denying your request for a fee waiver pursuant to 43 CFR 2.19(a).

Records responsive to your request include An Archaeological Inventory and Evaluation of Select West Redding Land Exchange Parcels, Shasta County written by Dr. Eric Ritter in 1993. We are withholding this report in its entirety. Sec. 9. (a) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470hh) prohibits release of information concerning the nature and location of an archaeological resource unless the federal land manager determines that such disclosure would further the purposes of the Act or not create a risk of harm. It is our determination that the criteria for release of this information is not met in this instance. Accordingly we have determined the archaeological report is not available under Exemption (b) 3 of the FOIA which permits an agency to withhold information prohibited from disclosure by another statute where the particular criteria for withholding under the second statute are met.

In accordance with 43 CFR 2.28(a)(1), you may appeal the fee waiver denial and/or the denial of the archaeological report to the Freedom of Information Act Appeals Officer, Office of Information Resources Management (OIRM), U.S. Department of the Interior, 1849 C Street, N.W., MS-6556, MIB, Washington, D.C. 20240. Your appeal must be in writing and received no later than 30 workdays after the date of this letter and shall be initiated by filing a written notice of appeal. A copy of your original request and this denial letter should accompany the appeal as well as a brief statement of the reasons why you believe this initial decision to be in error. The appeal should be marked "FREEDOM OF INFORMATION APPEAL" both on the envelope and the face of the letter.

In your FOIA request, you did not state that you would be willing to pay for copy fees or any search time needed to respond to your request. Be advised that standard copywork charges are 13¢ per page. We have placed your request in the "other" category for cost reimbursement under 43 CFR 2.17(a)(4) which entitles you to 100 pages of documents and 2 hours search time at no charge. Documents responsive to your request include published Notices, the Environmental Analysis, FONSI, Decision Record, and Appraisal Report. There are also approximately another 2,000 pages of unpublished records including comments (400 pp.), protests (300 pp.), protest responses (200 pp.), communications and records of meetings (500 pp.), and other resource records (600). The total number of pages should be around 3,000 pages. Less the 100 pages that are free, the cost to copy 2,900 pages at 13¢ per page would be \$377.

Assuming you are still interested in obtaining these documents, in accordance with 43 CFR 2.18(c), where allowable fees are likely to exceed \$250, the Bureau is directed to require the requester to make an advance payment. Accordingly we ask that you remit a check or money order to the Redding Field Office in the amount of \$377.00 payable to the USDI - Bureau of Land Management. If complying with your request exceeds the total estimated above, you will be billed, and if the cost is less, the difference will be refunded to you. You may wish to modify your request at this time to reduce the fee. Should you so inform Redding and the estimated duplication costs drop below \$250, advance payment will not be required. In such a case, we will need your written assurance that you are willing to pay duplication costs before we begin to process your request.

Stephen Palmer, Assistant Regional Solicitor, Sacramento, California was consulted in this response. If you have any questions for this office concerning your request, please contact Larry Weitzel at (916) 978-4409. If you have any questions for our Redding Field Office concerning your request, please contact Susie Rodriguez at (530) 224-2142.

Sincerely,


Mike Pool
State Director