

Matt Ehling
President
Public Record Media
2375 University Ave. W.
Suite 200
Saint Paul, MN 55114



January 8, 2014

USDA Forest Service, Chief's Office
1400 Independence Avenue, SW
Mail Stop: 1143 Washington, DC 20250-1143

RE: FOIA ADMINISTRATIVE APPEAL

Dear USDA Forest Service official,

On November 21, 2013, I submitted a Freedom of Information Act (5 U.S.C. § 552) request to the USDA, FS, FOIA Service Center. The request was sent via certified mail, and it sought the following information:

1. Any and all correspondence (in written or electronic form) between your agency and representatives or employees of Polymet Mining Corp, Glencore International AG, Twin Metals Mining Minnesota, Duluth Metals Limited, or Antofangasta PLC, regarding plans or proposals (in any stage, including pre-feasibility studies) to construct, site, or otherwise locate mining operations inside of, or within 100 miles of, the Boundary Waters Canoe Area Wilderness administered by the US Forest Service (BWCAW):
2. Any and all internal agency correspondence (in written or electronic form) regarding plans or proposals (in any stage, including pre-feasibility studies) to construct, site, or otherwise locate mining operations inside of, or within 100 miles of, the BWCAW;
3. Any and all internal agency correspondence (in written or electronic form) regarding any proposed "land exchange" related to plans or proposals to construct, site, or otherwise locate mining operations inside of, or within 100 miles of, the BWCAW.

The request was submitted as a part of news gathering. In it, I requested a waiver of fees, since disclosure of the requested information would contribute significantly to the public's understanding of the your agency's evaluation of proposed mining activities in or near the BWCAW. In addition, I set a limit on the amount of fees that I would be

willing to pay without prior notice, if my waiver was denied. For reference, a copy of the original request is attached to this correspondence.

Expiration of twenty-day statutory response time

5 U.S.C. § 552(6)(A)(i) requires federal agencies to make a determination about the release of information requested via the FOIA within twenty business days, and also to notify the requester of that determination. Over twenty business days have elapsed.

Notice of unusual circumstances impacting response time

5 U.S.C. § 552(6)(B)(i) allows for an up to ten-day extension of the normal twenty-day response time due to “unusual circumstances” as described in 5 U.S.C. § 552(6)(B)(iii). Such an extension requires the agency to provide written notification of the extension. No such written notice was provided.

Administrative review sought

I am seeking administrative review of your agency’s failure to respond to my FOIA request of November 21, 2013. My right to administrative review is established by the FOIA, and by your agency’s appeals procedures as set forth in 7 CFR § 1.14, which are further described here: <http://www.fs.fed.us/im/foia/foiaappeals.htm>

Constructive denial is basis for administrative review

As of the date of this writing, your agency has not provided a determination related to my request. As such, your agency has engaged in constructive denial of my request. This action by your agency forms the basis for my administrative appeal.

Time frame for administrative appeal

As noted in 7 CFR § 1.14, a requestor may file an administrative appeal within 45 calendar days of the date of the agency’s decision letter. At the time of this writing, your agency has provided me with no such decision letter. I have filed this administrative appeal after the expiration of all applicable statutory time frames.

Result sought

Through the administrative appeal process, I am seeking to receive copies of all documents responsive to the categories outlined in my original FOIA request of November 21, 2013. I can be contacted with any questions related to this request at 651-335-2037, or at info@publicrecordmedia.com.

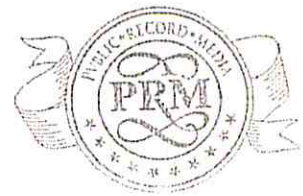
Sincerely,



Matt Ehling
President, Public Record Media

----- **COPIES ENCLOSED** -----

Matt Ehling
President
Public Record Media
2375 University Ave W.
Suite 200
St. Paul MN, 55114



November 21, 2013

USDA, FS, FOIA Service Center
1400 Independence Avenue, SW
Mail Stop: 1143
Washington, DC 20250-1143

RE: Freedom of Information Act request

Dear FOIA staff,

I am making a request for access to public information under the Freedom of Information Act (5 U.S.C. 552).

Through this request, I am seeking copies of the following records created, received, transmitted, or maintained by your agency between January 1, 2012 and November 20, 2013:

1. Any and all correspondence (in written or electronic form) between your agency and representatives or employees of Polymet Mining Corp, Glencore International AG, Twin Metals Mining Minnesota, Duluth Metals Limited, or Antofagasta PLC, regarding plans or proposals (in any stage, including pre-feasibility studies) to construct, site, or otherwise locate mining operations inside of, or within 100 miles of, the Boundary Waters Canoe Area Wilderness administered by the US Forest Service (BWCAW);
2. Any and all internal agency correspondence (in written or electronic form) regarding plans or proposals (in any stage, including pre-feasibility studies) to construct, site, or otherwise locate mining operations inside of, or within 100 miles of, the BWCAW;
3. Any and all internal agency correspondence (in written or electronic form) regarding any proposed "land exchange" related to plans or proposals to construct, site, or otherwise locate mining operations inside of, or within 100 miles of, the BWCAW.

In order to help you determine my status for the purpose of assessing fees, you should know that this request is made as part of news gathering, and is not for commercial use. Responsive files will be shared with researchers, journalists, and the public, and will not be licensed for profit.

I am seeking a waiver of fees for this request, since the public dissemination of the requested materials will aide the public's understanding of your agency's evaluation of proposed mining activities in or near the BWCAW, which have been matters of significant public discussion within the state of Minnesota.

If my fee waiver is denied, I am willing to pay fees of up to \$100.00 without prior notice. If fees are estimated to exceed this amount, please notify me first.

If this request is denied in whole or in part, please notify me of the legal basis for the denial, as well as all appeals procedures available under law.

I can be contacted at 651-335-2037 or info@publicrecordmedia.com if you need to discuss any aspect of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'ME', with a long horizontal flourish extending to the right.

Matt Ehling
President, Public Record Media