

Subject: Interim response to FOIA Request #2025-FS-R8-01476-F
Date: Tuesday, November 5, 2024 at 2:54:03 PM Eastern Standard Time
From: SM.FS.R9FOIA@usda.gov
To: FOIA
CC: SM.FS.R8FOIA@usda.gov
Attachments: Fw URGENT IWI in North Carolina (Hurricane Helene ESF #4 response)_Redacted.pdf

EXTERNAL SENDER

November 05, 2024
2025-FS-R8-01476-F

File Code: 6270

Dear Elizabeth Haddix:

This letter is in response to your Freedom of Information Act (FOIA) request, from October 24, 2024, received by the USDA Forest Service - Southern Region (R8) Office, on October 28, 2024, and assigned tracking number 2025-FS-R8-01476-F. You requested:

“1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent or received by any of the U.S. Forest Service officials listed below and containing any of the key terms listed below.

U.S. Forest Service Officials:

- i. Ken Arney, Regional Forester*
- ii. James Melonas, Forest Supervisor*

Key Terms:

- a. militia*
- b. “hunting FEMA”*

2. Any records reflecting guidance, directives, memoranda, advisories, or other documents provided to your office from the FEMA regarding the relocation of workers assisting in Hurricane Helene recovery due to the presence of armed militia groups.

(Date Range for Record Search: From 9/24/2024 To 10/28/2024)”

A search is currently underway for records responsive to part 1 of your request. The estimated date of completion of that search is 26 Nov 2024.

In response to part 2, we located records totaling 13 pages, consisting of one 9-page email chain and one 4-page email chain. The 4-page email chain has been referred to FEMA, as some records therein implicate FEMA equities. We expect to be able to provide you with more information about that referral soon. In the interim, and in recognition of the time-sensitive nature of this request, we are preliminarily releasing the 9-page email chain (attached to this email), with some information being

withheld pursuant to FOIA Exemptions 6 and 7c. This email chain is currently undergoing secondary review which we anticipate will result in it being re-released, with fewer redactions, at some point in the near future. You will receive a copy of the re-released record when it becomes available.

Exemption 6

Exemption 6 requires the Government to withhold all information about individuals in “personnel and medical and similar files,” where the disclosure of such information “would constitute a clearly unwarranted invasion of personal privacy” 5 U.S.C. 552(b)(6). In determining whether this disclosure would constitute an unwarranted invasion of personal privacy, the Forest Service must balance the public’s right to disclosure against the privacy interest of the individual(s) whose privacy may be affected. The determination of whether the disclosure of private information is required under Exemption 6 is reliant on the nature of the information requested and its relationship to the core purpose for which Congress enacted the FOIA: to shed light on an agency’s performance of its statutory duties.

The information that has been withheld under Exemption 6 consists of personal information, specifically personal email addresses, cell phone numbers, and other information of a purely personal and private nature, and we have determined that the individuals to whom this information pertains have a substantial privacy interest in withholding it. Additionally, we have determined that the disclosure of this information would shed little or no light on the performance of the agency’s statutory duties. Because the harm to personal privacy is greater than whatever public interest may be served by disclosure, release of the information would constitute a clearly unwarranted invasion of the privacy of these individuals, and we are withholding it under Exemption 6.

Information withheld under Exemption (b)(6) includes employees’ work cell phone numbers. Releasing an employee’s cell phone number would unnecessarily intrude upon the employee’s privacy, given that Forest Service employees generally are expected to carry their work cell phone(s) on their persons outside of the office and normal work hours. “[C]ell phone numbers implicate a different privacy interest from landline office phone numbers because employees carry cell phones with them outside the office and regular work hours.” Smith v. U.S. Dep’t of Treasury, No. 17-cv-1796 (TSC), 2020 WL 376641, at *4 (D.D.C. Jan. 23, 2020). “Disclosing the numbers of work cell phones, which employees maintain in their homes and on their person, could subject them to the type of harassment exemption 6 was designed to prevent.” *Id.* “Cell phone number[s]...implicate[] a substantial privacy interest. On the other side of the ledger, there is limited public interest in disclosing the cell phone number because the public can readily contact the official by emailing...or dialing [a] landline. The balance of interests is thus lopsided against disclosure.” Colorado Wild Public Lands v. U.S. Forest Service, No. 21-cv-2802 (CRC), at *22 (D.D.C. Sept. 11, 2023).

Exemption 7

Exemption 7 protects from disclosure “records or information compiled for law enforcement purposes” if the records fall within one or more of six specific bases for withholding set forth in subparts (a) through (f). 5 U.S.C. § 552(b)(7)(a)-(f). We are withholding some information under Exemption 7 because they are protected under the following subpart:

7(C)

Exemption 7(C) protects law enforcement records if their release could reasonably be expected to constitute an unwarranted invasion of personal privacy. It is regularly applied to withhold references to individuals in law enforcement files. For the materials that have been withheld under 7(C), we have determined that releasing them would constitute an unwarranted invasion of privacy because they identify individuals referenced in law enforcement records and the release of this information would not shed light on an agency’s performance of its statutory duties.

Fees

The FOIA provides that requesters pay the reasonable costs for search, review, and duplication of records. Pursuant to Title 7, Code of Federal Regulations, Subtitle A, Part 1, Subpart A, Appendix A, there is no charge as the amount falls below the minimum required to collect fees.

This is an interim response only. We anticipate one or more future responses will be forthcoming. Nonetheless, the FOIA provides you the right to appeal this response. Your appeal should be addressed to the Chief, Department of Agriculture Forest Service, and must be submitted in writing within 90 days from the date of this letter. Please submit as follows: 1) by email to sm.fs.wfoia@usda.gov; 2) by regular mail to Mail Stop 1143, 1400 Independence Avenue SW, Washington, DC 20250-1143; 3) or by Fed Ex or UPS to 201 14th Street SW, Washington, DC 20250-1143. The term "FOIA APPEAL" should be placed in capital letters on the subject line of the email or on the front of the envelope. To facilitate appeal processing, please include a copy of this letter and/or the request number listed at the top of this letter.

If you need any further assistance or would like to discuss any aspect of your request, please do not hesitate to contact the FOIA Public Liaison at (202) 205-6560. 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 at ogis@nara.gov; telephone at (202) 741-5770; toll free at 1 (877) 684-6448; or facsimile at (202) 741-5769.

Southern Regional FOIA Service Center
Forest Service
Southern Region
sm.fs.r8foia@usda.gov

1720 Peachtree Rd., NW
Atlanta, GA 30309

Non-Responsive

From: (b) (7)(C)

Sent: Saturday, October 12, 2024 7:03:34 PM

To: (b) (7)(C)

Cc: (b) (7)(C)

Subject: RE: URGENT: IWI in North Carolina (Hurricane Helene ESF #4 response)

Good Evening,

Reporting good news! According to our LE sources and our LEI SA the suspect is in custody. If I hear different I will advise.

Thank you and take care,



(b) (7)(C)
Interim Patrol Commander
USDA Forest Service
Southern Region (R8)



p: (b) (7)(C)
(b) (7)(C)
1720 Peachtree Street, NW
Atlanta, GA 30309
www.fs.usda.gov


Caring for the land and serving
people

From: (b) (7)(C)

Sent: Saturday, October 12, 2024 6:56 PM

To: (b) (7)(C)

Cc: (b) (7)(C)

Subject: Re: URGENT: IWI in North Carolina (Hurricane Helene ESF #4 response)

AMERICAN
OVERSIGHT

Thanks (b) (7)(C). Really appreciate the update. (b) (7)(C)

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From: (b) (7)(C)

Sent: Saturday, October 12, 2024 6:52:11 PM

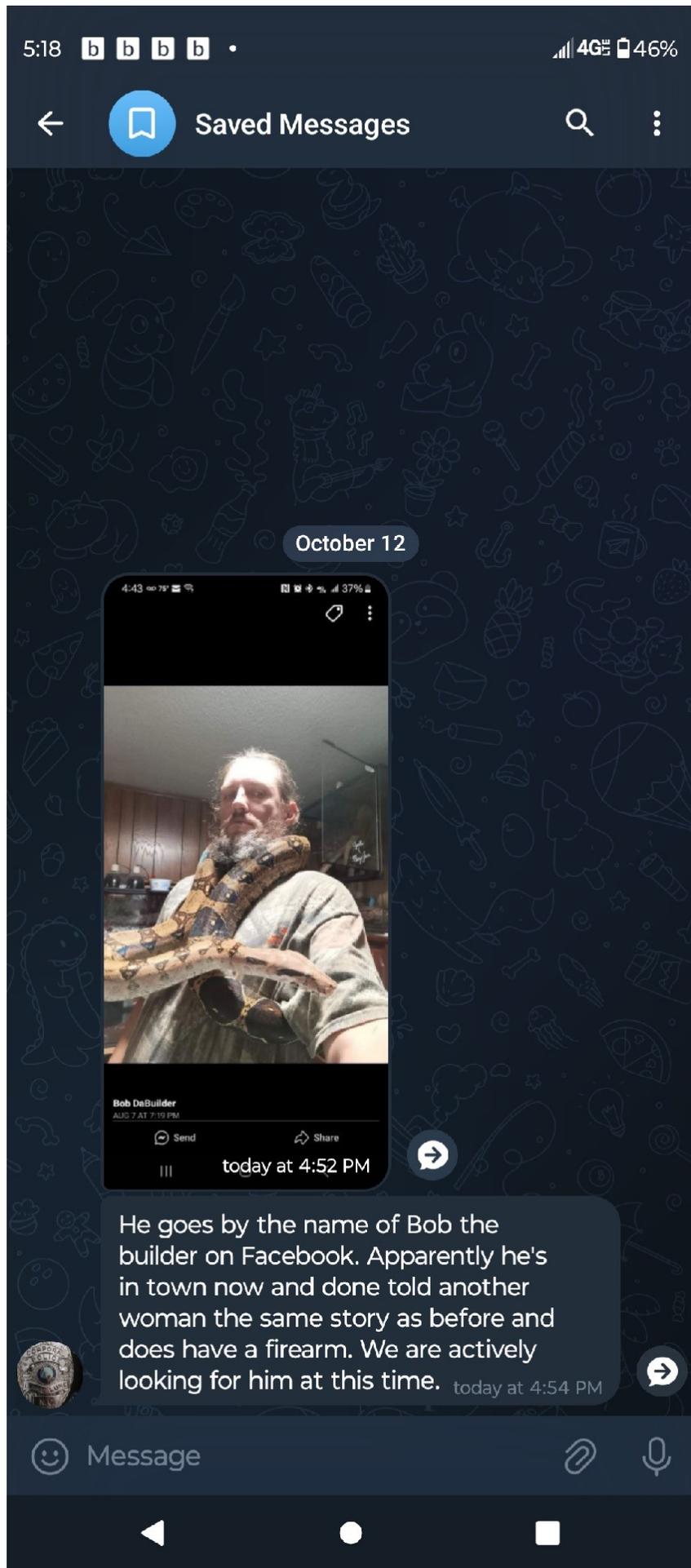
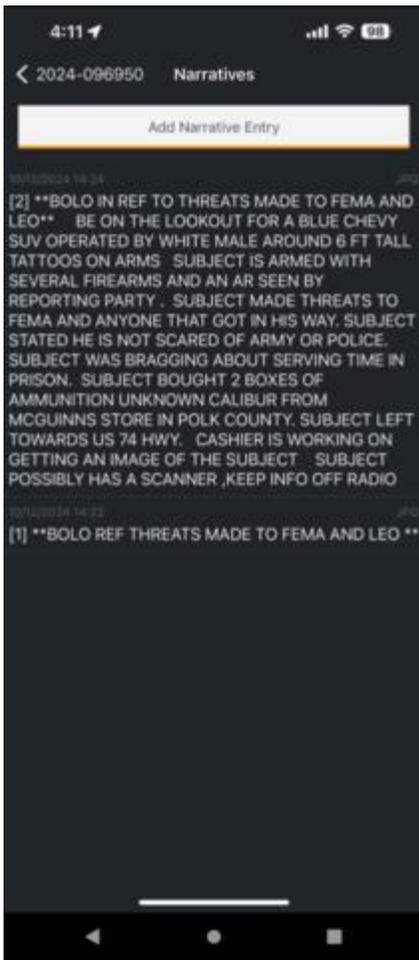
To: (b) (7)(C)

Cc: (b) (7)(C)

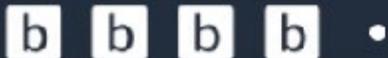
Subject: RE: URGENT: IWI in North Carolina (Hurricane Helene ESF #4 response)

Greetings,

I have attached the most updated information regarding the threat to FEMA and LE personnel. This has a great likelihood of the earlier threat (unconfirmed). LEI SA (b) (7)(C) was able to obtain this information. All our folks in NC, which is 25, are 100% accounted for and has been provided the information. – Take care



5:18



Saved Messages



October 12

4:43 75°

37%





(b) (7)(C)
Interim Patrol Commander
USDA Forest Service
Southern Region (R8)



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From: (b) (7)(C)

Sent: Saturday, October 12, 2024 4:12 PM

To: (b) (7)(C)

Cc: (b) (7)(C)

Subject: RE: URGENT: IWI in North Carolina (Hurricane Helene ESF #4 response)

Thanks (b) (7)(C). Appreciate the update. Keep us posted and let us know if there is anything you need from here. (b) (7)(C)



(b) (7)(C)
Director
Forest Service
Law Enforcement and Investigations

(b) (7)(C)

201 14th Street SW, Suite 1SC
Washington, DC 20250
www.fs.fed.us



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From: (b) (7)(C)

Sent: Saturday, October 12, 2024 4:10 PM

To: (b) (7)(C)

Cc: (b) (7)(C)

Subject: RE: URGENT: IWI in North Carolina (Hurricane Helene ESF #4 response)

AMERICAN OVERSIGHT

Greetings,

Captain (b) (7)(C) was getting some preliminary information from the Madison County Deputies. He was being briefed on the threat as well. I have passed this email along to PC (b) (7)(C) who is going to get it broadcasted to our folks presently in the field.

The LEI ICP is located at the Appalachian RD in Madison County. I am being told that Madison County is roughly an hour north of Rutherford County. They are not aware of any similar threats in their immediate AOR. The FS main ICP is located in Cherokee (Swain and/or Jackson Counties). With Forward Operating Bases at every District. There are no FS property or NFS lands within Rutherford County.

(b) (7)(C) has heard that FEMA is also pulling out of Madison County as well. That is not confirmed.

Thank you and take care,



(b) (7)(C)
Interim Patrol Commander
USDA Forest Service
Southern Region (R8)



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Caring for the land and serving people

From: (b) (7)(C)

Sent: Saturday, October 12, 2024 3:58 PM

To: (b) (7)(C)

Cc: (b) (7)(C)

Subject: Re: URGENT: IWI in North Carolina (Hurricane Helene ESF #4 response)

This is the first I've heard of this, I spoke with some LE staff around 11:30 this morning and they did not mention anything.

(b) (7)(C)

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From: (b) (7)(C)

Sent: Saturday, October 12, 2024 3:55:10 PM

To: (b) (7)(C)

Cc: (b) (7)(C)



(b) (7)(C)

Subject: RE: URGENT: IWI in North Carolina (Hurricane Helene ESF #4 response)

I have not. I will contact PC (b) (7)(C) immediately. To my knowledge they are not working in that county. Primarily in Yancey, Buncombe, and Madison counties.

Thank you and take care,



(b) (7)(C)
Interim Patrol Commander
USDA Forest Service
Southern Region (R8)

p: (b) (7)(C)

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Atlanta, GA 30309

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Caring for the land and serving people

From: (b) (7)(C)

Sent: Saturday, October 12, 2024 3:52 PM

To: (b) (7)(C)

Cc: (b) (7)(C)

Subject: FW: URGENT: IWI in North Carolina (Hurricane Helene ESF #4 response)

Good afternoon all,

See trailing. Are you aware of this? Are we engaged? Any updates to share?

(b) (7)(C)



(b) (7)(C)
Director
Forest Service
Law Enforcement and Investigations

(b) (7)(C)

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From: Hower, Andrew - FS, DC <Andrew.Hower@usda.gov>
Sent: Saturday, October 12, 2024 2:14 PM
To: FS-pdl wo emergency coordinators (b) (6)
Subject: FW: URGENT: IWI in North Carolina (Hurricane Helene ESF #4 response)

Sharing for awareness.

Regional FAM has been notified and working messaging for awareness with our Regional IMTs supporting operations.



Andrew R. Hower
National Emergency Manager and Continuity Coordinator
Forest Service
Office of Safety and Occupational Health
p: 202-569-7194
andrew.hower@usda.gov
SM.FS.EM@usda.gov

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From: Sachs, Gordon - FS, DC <gordon.sachs@usda.gov>
Sent: Saturday, October 12, 2024 1:56 PM
To: FS-pdl wo spf fam5 (b) (6) >; Haston, David - FS, ID <david.haston@usda.gov>; Christensen, Kim - FS, ID <kim.christensen@usda.gov>; NICC Coordinator on Duty (b) (6) >; VanHemelryck, Kimberly <kimberly_vanhemelryck@ios.doi.gov>; doi_watch_office@ios.doi.gov; (b) (7)(C) >; Hower, Andrew - FS, DC <Andrew.Hower@usda.gov>
Cc: Gabaldo, Alexis - FS, GA <alexis.gabaldo@usda.gov>; Kendall, Aaron - FS, WV <aaron.kendall@usda.gov>
Subject: URGENT: IWI in North Carolina (Hurricane Helene ESF #4 response)

FEMA has advised all Federal responders in Rutherford County, NC to stand down and evacuate the county immediately. The message stated that "Title 10 troops had come across x2 trucks of armed militia saying they were out hunting FEMA. Specifically occurred in Chimney Rock."

The IMTs have been notified and are coordinating the evacuation of all assigned personnel in that county. Regional ESF #4 staff will maintain contact with the IMTs and will ensure accountability of all personnel (IMTs, crews, and single resources) once the evacuation is completed.

We will maintain contact with FEMA as they evaluate the potential risks to responders in other counties in North Carolina. We will take appropriate action based on FEMA and NC State Emergency Management guidance.

I will be the HQ-level POC for this IWI.



Gordy Sachs
Chief, All Hazard & International Fire Support Branch
National ESF #4 Coordinator

Forest Service
Fire & Aviation Management

c: (b) (6)

gordon.sachs@usda.gov

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