

13 August 2010

FREEDOM OF INFORMATION REQUEST

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attn: Mr. Dave Drake, FOIA Coordinator

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re: 2010 "Rainbow Gathering"

FOIA No. ANF-10-13

AMENDED SECOND FOIA REQUEST

Delegation of Authority, Special Use Policies

Ms. Marten and Mr. Drake:

This is an *Amended Second Request* for certain documents not yet provided in response to our original FOIA Request of June 28, 2010, pursuant to 5 U.S.C. § 552. It supplants the Second Request of July 30, 2010 in light of further disclosures received after it was sent out.

~ The 'Delegation of Authority' documents (3 pp.) were conveyed personally at the Allegheny N.F. office on July 6; this was confirmed by your July 13 response letter, in the mail on my return.

~ Your second response letter was dated July 23, but it did not arrive until August 5; the package contained three additional documents related to the Rainbow Gathering in Allegheny N.F.:

___ 'Incident Action Plan', 6/22/10 (21 pp.)

___ 'Operation and Maintenance Plan', 6/28/10 (6 pp.)

___ 'Rehabilitation Plan', 7/3/10 (2 pp.)

Upon review of responses to date from ANF, the intent here is to clarify what information is still needed based on the items of the original Request:

- 1) Also provide supporting documents identifying Federal and local agencies and their staff representatives participating on the "Incident Management Team".

The 'Incident Action Plan' includes an "Organization Assignment List" (pg. 2); item 11 identifies "Incident Command Agency Representatives" – 8 regional police departments and 2 county '911 and EMA' offices. However no local civilian agencies or other Federal agencies are on this list, where historically the "Incident Team" has included such agencies, whether directly funded, contracted, or mandated to take part. Therefore this list is presumed to be incomplete, and only a partial response... please provide the following records:

1a. Further documents showing the full composition of the Incident Team, and/or other local civilian and Federal agencies and representing staff involved or collaborating.

1b. Page 10 of the 'Incident Action Plan', missing in the copy received.

- 2) Agency plans, directives, and/or memoranda concerning special use policies as applied to the 2010 Rainbow Gathering, and in particular the decision to not require a signed Noncommercial

Group Use application and permit for this event. Include relevant communications with Forest Service and other officials at the Regional and Washington headquarters.

The 'Operation and Maintenance Plan' and 'Rehabilitation Plan' set forth standards & terms of compliance for the Gathering, and were made public accordingly. However certain other documents may also shape the *application* of NGU policies – part of the scope of this Request. Similarly the 'Delegation of Authority' was a means of implementing NGU policies for this Gathering, but nothing is disclosed on their *formation*, nor on the final decision to accept a consensus "Operation Plan" in lieu of a signed permit... provide the following records:

2a. Any special use authorization approved, or other document enacted internally by the Forest Service, stating additional standards or terms for the 2010 Rainbow Gathering; *and*, the 'Categorical Exclusion Project Record' prepared in conjunction with this event.

2b. A "written copy of recommended site visitation protocol" for the Rainbow Gathering, as referenced on page 15 of the 'Incident Action Plan' – "*Scene Visitation Guidelines for Non-Law Enforcement Workers*", 6/17/2010 (Paragraph 2).

2c. Internal discussions and memos on intended NGU policies for this event, and followup communications on their implementation – among ANF staff, and with Incident Command, USFS personnel elsewhere, and other Federal officials. Include relevant emails and call notes, before and after the 'Delegation' was issued on June 11.

Again, we are aware that further information may be found at USFS Regional and Washington offices. However this Request went to the Supervisor's office to focus on policy correspondence and actions involving responsible USFS and LE&I officials in Allegheny National Forest.

It is narrow in this purpose, anticipating a few more records of pertinent discourses and decisions. Within these bounds relatively few document pages are required in response, and they should be readily available, so this Request remains well under the threshold for copy and search fees.

Still, it is affirmed that *PCU_/Free Assembly Project* has long standing in the public interest under FOIA, and seeks these records for purposes of public information & education, to create transparency and foster "public understanding of the operations or activities of the government". Therefore we call for any fees accrued on these Requests to be waived. 5 U.S.C. §552(a)(4)(A)(iii).

Hopefully this submittal clarifies the Request in scope, and the items outstanding in partial disclosures to date, so that you can issue a final Response and bring this matter to easy closure.

Please call to solve problems and apprise me of your plans & progress... to simplify and cut costs, we will accept documents in 'PDF' format via email at the direct address below.

Thanks again for your cooperation.

Respectfully,

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