



United States
Department of
Agriculture

Forest
Service

Southwestern Region
Regional Office

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File Code: 6270-1-1

Date: July 27, 2009

Mr. Scott Addison
Coordinator
PCU Free Assembly Project
9858 Rivermont Drive
St. Louis, MO 63137

RE: Freedom of Information Act Request, Case Number 516

Dear Mr. Addison:

This is our final determination of your Freedom of Information Act (FOIA) request dated June 24. Your request was received in the Southwestern Region FOIA Service Center on June 30. It has been assigned Case Number 516. Please include this case number in all communications regarding your request.

You are requesting "...concerning the 'Rainbow Gathering' in Santa Fe National Forest; please provide the following documents:

- 1) The Supervisor's 'Delegation of Authority' to an "Incident Commander", for administration of Forest Service and other federal policies during the course of this event in June-July 2008.
- 2) Plans, directives, and/or memoranda which (a) identify all Federal, State, and local agencies on the "National Incident Management Team" ("NIMT"), and those representing member agencies in their official capacities; and which (b) define the respective missions and responsibilities of member agencies under federal authorities.
- 3) Any prior action or determination by USFS or other officials that the 2009 'Rainbow Gathering' in New Mexico was deemed an "Incident", such that a Delegation of Authority was mandated in advance, and the findings of fact which supported this decision. These or related documents should state federal authorities for such action, and cite to the regulations & standards applied."

You clarified on July 2 for item 3 that you are requesting the records that show who made the determination to designate the gathering as an "incident."

A two page document responsive to item 1 was provided to you on July 1 by the Santa Fe National Forest (NF). A National Incident Management Team was not utilized for this year's Rainbow Gathering. The event was not designated as an "incident." It was designated as a non-natural disaster emergency for purposes of funding. We therefore do not have records responsive to items 2 and 3.

Pursuant to Title 7 Code of Federal Regulations (CFR), Subtitle A, Part 1, Subpart A, Appendix A, there is no charge for these records because the amount for search and review time and the number of copies falls below the minimum amount required for the Forest Service to collect fees.



The FOIA provides you the right to appeal this decision that there are no responsive records. Any appeal must be made in writing to the Chief, USDA, Forest Service, Mail Stop 1143, 1400 Independence Avenue, SW, Washington, DC, 20250-1143, and received by the Chief within 45 days from the date of this letter. The term "FOIA APPEAL" should be placed in capital letters on the front of the envelope or on the subject line of an e-mail to wo_foia@fs.fed.us. You may also fax an appeal to (202) 260-3245.

We feel that this fully satisfies your request with the Southwestern Region FOIA Service Center.

Sincerely,

/s/ Faye L. Krueger (for)
CORBIN L. NEWMAN, JR.
Regional Forester

cc: Sara Campney
Jennifer M Cramer