



United States
Department of
Agriculture

Forest
Service

Santa Fe National Forest

1474 Rodeo Road
P.O. Box 1689
Santa Fe, New Mexico 87504-1689
PH 505-438-5300 FAX 505-438-5390

File Code: 6270-1

Date: June 25, 2009

Scott Addison
Coordinator
Free Assembly Project
9858 Rivermont Dr.
St. Louis, MO 63137

RE: Freedom of Information Request Control No. 338

Dear Mr. Scott Addison:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) request dated June 17, 2009. Your original FOIA request was originally received in our Santa Fe National Forest FOIA Service Center on June 18, 2009. Your request has been assigned the above listed control number.

You are requesting "selected agency documents related to the 'Rainbow Gathering' now convening on the Santa Fe National Forest" including:

- 1) Noncommercial Group Use applications and signed permits received on or after June 10, 2009 for the Rainbow Gathering;
- 2) FS letters of notification denying or granting such applications, any processing documents related to their screening or handling under agency review, and the NGU permit as approved, with appending terms and Operation Plan;
- 3) Prior personal correspondences to and from the Offices of the Supervisor, Regional Forester or authorized personnel - before June 10, 2009 and since July 2008 - concerning the 2009 Rainbow Gathering in New Mexico, the NGU permit rules, and related policies as applied.

You spoke to Sara Campney on June 25, 2009 and clarified that the third portion of your request pertains only to correspondence concerning the 2009 Rainbow Gathering in New Mexico, the NGU permit rules and related policies, which came from or was received by the Santa Fe National Forest Supervisor's Office and the Regional Office. You are particularly interested in communication between those two offices or between them and people who are a part of organizing the Rainbow Gathering.

You requested a fee waiver. A waiver of fees involves the expenditure of public funds; therefore, we are required to evaluate each FOIA request individually to determine the appropriateness of charging fees or granting a fee waiver. The granting of a fee waiver in the past does not automatically entitle a requester to a subsequent fee waiver.

We have determined from the information provided in your initial request correspondence, that you have met Factors 2, 3, 4, 5 and 6 of the enclosed Fee Waiver Criteria. However, we will need additional information from you regarding these Factors, in order to make a final determination on your eligibility for a fee waiver.



Factor two of the fee waiver criteria requires the requester to demonstrate the records requested are “likely to contribute” to an understanding of government activities. The records requested on their face are not likely to contribute to an understanding of the operations or activities of the government. Please explain, in detail, how the records requested are likely to contribute to the public’s understanding of the operations or activities of the government.

Factor three of the fee waiver criteria requires the requester to demonstrate how the information will be disclosed to a reasonably broad audience of persons interested in this subject. Simply posting this information to a web-site would not meet this criterion. Please provide us specific examples of how you have disclosed information obtained from past FOIA requests to the public or in the alternative how you intend to disclose the information contained within the records requested.

Factor four of the fee waiver criteria requires the requester to demonstrate the significance of the contribution to public understanding of government operation and activity. The records requested on their face are not likely to contribute significantly to a public understanding of the operations or activities of the government. Please explain, in detail, how the records requested are likely to significantly contribute to the public’s understanding of the operations or activities of the government.

Factor five of the fee waiver criteria requires the Forest Service to evaluate the magnitude of the commercial interest of the requester in the records requested. You appear to have a strong commercial interest in the records requested and therefore would not meet this fee waiver criteria. Please explain, in detail, how the public benefit of the records would outweigh your commercial interest.

Factor six of the fee waiver criteria requires the Forest Service to balance the requester’s commercial interest against the identified public interest to determination which interest is primary. Please explain, in detail, how the public benefit of the records sought would outweigh your commercial interest in the information?

Please be very specific when responding to Factors 2, 3, 4, 5 and 6. If we have not received a determination from you on or before July 10, 2009, we will assume you no longer wish to continue with your FOIA request and we will close our file at that time.

To check on the status of your FOIA request, please contact Sara Campney at (505) 438-5445 or scampney@fs.fed.us. Please refer to the above control number on all correspondence.

Sincerely,

/s/ Daniel J. Jirón
DANIEL J. JIRÓN
Forest Supervisor

cc:
Paula Barnhill
Corbin Newman
Derek Padilla
Erin Connelly