



The Protect Our Communities Foundation  
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August 14, 2009

Mr. William Metz, Forest Supervisor  
Cleveland National Forest  
10845 Rancho Bernardo Road Suite 200  
San Diego, CA 92127  
FAX (858) 673-6192

Re: Outstanding request for documents

Dear Mr. Metz,

The purpose of this letter is to determine the status of your response to a Freedom of Information Act ("FOIA") request for documents relating to the Sunrise Powerlink project from The Protect Our Communities Foundation ("POC") dated May 11, 2009.

Communications from the Pacific Southwest regional office suggest there may have been a mistake in the processing of this FOIA request.

According to an August 4, 2009 letter to Congressman Bob Filner and cc'd to POC, Regional Forester Randy Moore states that POC has never responded to your June 16, 2009 letter requesting additional information in support of the requested fee waiver. Because of this, the regional office concludes that POC's FOIA request for documents "...is not "perfected" for processing because there has been no compliance with the fee requirements of the FOIA."

This conclusion is contrary to other Forest Service communications in this matter. On behalf of POC I sent a written response to you on June 30, 2009 providing additional information in support of the requested fee waiver (attached). I also sent an email message to Ms. Ruby Boyd in the regional office on June 26, 2009 requesting an update on the status of a Forest Service response to POC's FOIA request. On July 13, 2009 Ms. Boyd responded in an email message acknowledging these communications and granting POC's requested fee waiver (attached):

The Regional FOIA Office has determined with the additional information you provided on behalf of POC organization, fee factor #3 is met. Therefore, a full fee waiver is granted.

By transmitting this e-mail, I have referred your request to the Cleveland Forest Supervisor Office for a response directly to you. Please be assured that every attempt is being made to provide you with the requested information and a definitive response will be forthcoming.

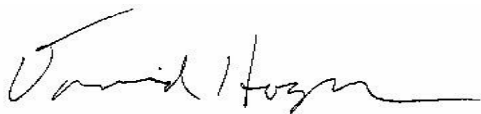
POC has not received any additional messages or documents from the Cleveland National Forest.

It is my hope that this will resolve any question of whether POC's requested fee waiver has been granted and around the Forest Service's ability and obligation to provide responsive documents. Three months have passed since the date of POC's original request for documents and this delay may prejudice POC's ability to effectively respond to SDG&E powerlink permitting activities. In order to reduce any further delays POC requests that you expedite delivery of responsive documents.

Because of the confusion over this particular FOIA request POC requests that you contact POC at your earliest convenience but no later than August 21, 2009 to provide responsive documents or to identify a reasonable date by which documents will be provided.

Thank you for your prompt attention. Please contact David Hogan at 760 809-9244 if you have any questions in this matter. Please also use the address below for any written communications.

Sincerely,

A handwritten signature in black ink that reads "David Hogan". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

David Hogan  
Consultant to The Protect Our Communities Foundation  
P.O. Box 141  
Mount Laguna CA 91948

Cc: Mr. Randy Moore, Regional Forester  
Mr. Stephen Volker, esq.

**ATTACHMENT**  
**Forest Service Email Granting Fee Waiver**  
**July 13, 2009**

**David Hogan**

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**From:** Ruby Boyd [rubyboyd@fs.fed.us]  
**Sent:** Monday, July 13, 2009 1:52 PM  
**To:** David Hogan  
**Cc:** Ana M Shadle; William Metz  
**Subject:** Re: Outstanding FOIA 009-012 [Fee Wavier Granted]  
**Importance:** High

Good morning, Mr. David Hogan, Consultant for Protect Our Communities Foundation....

This is e-mail in response to your letter dated June 30<sup>th</sup>, addressed to the Cleveland Forest Supervisor Office, regarding factor #3 of the fee criteria. The Regional FOIA Office has determined with the additional information you provided on behalf of POC organization, fee factor #3 is met. Therefore, a full fee waiver is granted.

By transmitting this e-mail, I have referred your request to the Cleveland Forest Supervisor Office for a response directly to you. Please be assured that every attempt is being made to provide you with the requested information and a definitive response will be forthcoming. This is not a denial of your FOIA request or the requested information.

If further assistance is required or you have any questions regarding the status of your request, you may contact Ms. Ana Shadle, Cleveland FOIA Coordinator, (858) 674-2983, or e-mail: [ashadle@fs.fed.us](mailto:ashadle@fs.fed.us).

*///Ruby Boyd///*

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Ruby Boyd  
R5 - RO FOIA/Records Manager  
Phone: (707) 562-8768  
Fax: (707) 562-9229  
~~~~~

"David Hogan" <dave-hogan@sbcglobal.net>

06/26/2009 08:12 AM

To <rubyboyd@fs.fed.us>

cc

Subject Outstanding FOIA 009-012

Dear Ms. Boyd

The purpose of this message is to check in on the status of the Forest Service's response to a FOIA from myself on behalf of the Protect Our Communities Foundation dated May 11, 2009.

I received a letter from Mr. William Metz, Forest Supervisor for the Cleveland National Forest dated May 27, 2009 that stated POC would "be notified by separate letter regarding the additional time needed and the status of your fee waiver request." We have not yet received such a letter.

We did receive a letter from Mr. George Vargas of the Washington Office of the Forest Service informing us that the requested records would be in the Pacific Southwest Regional Office and/or the Cleveland National Forest and that therefore the Washington Office would not be responding to our request.

8/10/2009

**ATTACHMENT**  
**POC Response to Forest Service Request For**  
**Additional Fee Waiver Information**  
**June 30, 2009**

# PROTECT OUR COMMUNITIES FOUNDATION

VIA FACSIMILE AND CERTIFIED MAIL

June 30, 2009

Mr. William Metz, Forest Supervisor  
Cleveland National Forest  
10845 Rancho Bernardo Road Suite 200  
San Diego, CA 92127  
FAX (858) 673-6192

Re: Additional fee waiver information for FOIA CNF-009-012

Dear Mr. Metz:

The purpose of this letter is to respond to your letter of June 16, 2009 where you raise concerns over a requested fee waiver contained in a Freedom of Information Act ("FOIA") request from The Protect Our Communities Foundation ("POC") dated May 11, 2009.

According to your letter, POC's requested fee waiver provided adequate information addressing Forest Service FOIA fee waiver regulation factors 1, 2, 4, 5, and 6 but that additional information would be needed for factor 3. You ask that additional information be provided addressing how POC will contribute to an understanding of the subject of the specific records requested and disseminate the information to a reasonably broad audience of persons interested in the subject.

Section IV of POC's requested fee waiver contained the information you are requesting but additional information is provided below in an effort to resolve this matter.

POC has retained myself and an experienced environmental attorney and has many seasoned volunteer activists prepared to review and analyze the information requested in the FOIA. These professionals and activists in turn have the ability to organize and/or summarize and present to others the material in such a way that technical information is made understandable by people who are interested in the issue but may have less experience with raw technical or raw political information.

According to the fee waiver request, POC indicated that upon review of the requested documents and/or in the event some action is warranted in relation to the information contained in the requested documents (e.g. a letter to Forest Service or other government officials, a letter writing campaign to government officials, an appeal, or other actions) that POC would publicize such information or action. The term publicize as used here is inclusive of actions such as writing and distributing a press release, sending letters to the editor, sending email alerts to media contacts, writing editorial pieces, and other similar actions. Past publicizing activities by POC have resulted in television, newspaper, and radio news stories, letters to the editor, and editorial pieces in most news outlets in San Diego County which in turn has contributed to the understanding and reached a reasonably broad audience of persons interested in the Sunrise Powerlink. Similar future publicizing activities related to the requested materials would contribute to the understanding and reach a reasonably broad audience of persons interested in not just the powerlink generally but also the decision making processes of the Forest Service, Department of Interior, and Department of Energy that would be addressed by documents responsive to this FOIA.

POC also indicated in its fee waiver request that the informational publications of POC and closely affiliated organizations Backcountry Against Dumps and East County Community Action Coalition supply information not only to our membership, but also to the memberships of many other local and regional organizations. (The leaders of both Back Country Against Dumps and the East County Community Action Coalition are POC board members and information flows freely between the organizations to the organizations' membership and information lists.) POC maintains a website (<http://protectourcommunities.org/>) that over the last 3 years has been visited by tens of thousands of people and where information such as that requested is described and disseminated to a reasonably broad audience of persons interested in the Sunrise Powerlink and the decision making processes of the Forest Service, Department of Interior, and Department of Energy that would be addressed by documents responsive to this FOIA. POC maintains email distribution lists and postal mailing lists where information such as that requested is routinely described and disseminated to a reasonably broad audience of approximately 8,400 persons interested in the Sunrise Powerlink and the decision making processes of the Forest Service, Department of Interior, and Department of Energy that would be addressed by documents responsive to this FOIA.

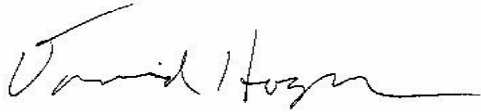
Information obtained, analyzed, and presented by POC professionals and activists in this and other matters is also routinely distributed by the following additional means: in regular bulk mailings by Back County Against Dumps to the approximately 800 households in the community of Boulevard; a website ([www.eastcountyaction.org](http://www.eastcountyaction.org)) and twice monthly newsletter by the East County Community Action Coalition; posting on the People's Powerlink website (<http://www.peoplespowerlink.org>) which receives approximately 1000 visitors per month; and distribution to email lists operated by the Lakeside Planning group which represents 15 planning group members and 75,000 constituents, the Lakeside Historical Society which represents 746 members, the San Diego East County Visitors Bureau, the San Diego Chapter of the Sierra Club, La Playa

Heritage, El Capitan View Estates, La Posta-Thing Valley Preservation Society, and many others.

We are hopeful that this information will address your concerns about the ability of POC to receive and analyze the information requested by the Forest Service and to present and distribute our analysis in a way that contributes to the understanding and is disseminated to a reasonably broad audience of persons interested in the powerlink and the related decision making processes of the Forest Service and other agencies.

In the interest of a timely response, please provide us with an estimated date for a fee waiver decision and for delivery of the requested documents as soon as possible. Please contact me at 760 809-9244 if you have any additional questions or concerns in this matter.

Sincerely,

A handwritten signature in black ink that reads "David Hogan". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Hogan

Consultant to the Protect Our Communities Foundation  
P.O. Box 141  
Mount Laguna CA 91948