

47 Four Oaks Road
Bedminster, NJ 07921
September 8, 2009

Mr. Jack O'Brian
Intermountain Regional FOIA Officer
Intermountain Regional Office---NPS
PO Box 25287
Denver, Colorado 80225

Dear Mr. O'Brian:

Thank you for your letter of August 28, 2009 and for your recommendations and suggestions.

As you suggested and as you can see in the accompanying letter, **I have modified and restated my original FOIA request to make it more cost effective and time efficient.** Specifically, I have changed every request to be a search for specific documents and records; and I have eliminated the two requests which might have involved the answering of lengthy questions, the expenditure of more time and research, and the generation of previously non-existent records. Frankly I suspect there are other divisions and agencies of the government that are better suited to pursue those kinds of questions and to investigate some of my concerns.

I also have "extended the start time" of my request to give Mesa Verde National Park more time to finish their year-end financial statements. This will also give me final fiscal year 2009 information instead of less accurate YTD information. If there is another way to do this, please let me know.

I appreciate how difficult your job must be, and I realize how difficult it must be working with parks that are not as open with information as they should be. In this case, Larry Wiese or Bill Nelligan could have written you and said they were going to ignore the most time consuming and difficult sections of my original request by simply reminding me that "the Act does not require a bureau (of the Department of Interior) to answer questions that may be asked in a FOIA request." Doing that would have reduced substantially the number of hours required to process my request, and then they could have given you a more reasonable estimate of how long it would take to fulfill the remaining sections of my request. Instead, they gave you what seems like an artificially inflated estimate of the number of hours required to fulfill my request, and then chose to estimate the final cost of processing my request by using the hourly rate based on the most expensive "FOIA Search and Review Fee" possible, namely the "Managerial" rate. One would think their intent was simply to intimidate me and to discourage me from pursuing this FOIA request.

And so I thank you for your recommendations and suggestions on how to modify and restate my official request.

I recognize how difficult it must be trying to do what you do. Being the “middle man” in the FOIA request process, I am sure requestors sometimes get the impression you are being less of an advocate for an open and transparent government, and more of a defender of the status quo and bureaucracy.

I am sending copies of all the letters I have written, and all the replies I have received, including your letter and this letter, to Alexandra Mallus who is the Department of Interior’s FOIA Officer in Washington, D.C. and to Diane Cook, the National Park Service’s FOIA Officer in Washington, D.C. As you may recall from one of my earlier letters, I had spoken with both of them early in this journey. They both assured me that what I was doing was very appropriate and in keeping with the spirit and intent of the Freedom of Information Act. Consequently, I am sending them these letters so that they can appreciate how long it can take to get information, and to help them understand how hard your job can be.

Simply stated, in spite of the memorandums and directives we all received on July 8, 2009 from the President, the Secretary of the Interior, and the Attorney General, and in spite of what is supposed to be a era of greater transparency in government and new presumptions of openness, I still haven’t received one bit of the information I originally requested from Mesa Verde National Park in July. And by now, I suspect Larry Wiese is not only being intransigent, I suspect he’s already let it be known that he doesn’t want my wife, Sara, or me to ever be hired again at Mesa Verde National Park.

And so, I thank you for your efforts, I appreciate what you are doing to fulfill the requirements of the Freedom of Information Act, and I look forward to hearing from you soon.

Looking ahead,

Bruce E. Schundler