



United States Department of the Interior

NATIONAL PARK SERVICE
INTERMOUNTAIN REGION
12795 W. Alameda Parkway
P.O. Box 25287
Denver, Colorado 80225-0287

IMR/09-145C

OCT 05 2009

Mr. Bruce E. Schundler
47 Four Oaks Road
Bedminster, New Jersey 07921

Dear Mr. Schundler:

This letter is in on-going response to your July 31, 2009, Freedom of Information Act (FOIA) request, made to the Intermountain Region (IMR) of the National Park Service, for certain "...budget documents..." etc., related to Mesa Verde National Park (MEVE) in Colorado. Specifically, this letter is in response to your recent modification of the original request as related to the FOIA processing fee(s). Your request has been assigned request number #09-145.

It is the policy of the NPS to: (1) make records of the NPS available to the public to the greatest extent possible in keeping within the spirit of the FOIA; (2) make documents requested under the FOIA available at the earliest possible date while, at the same time, protecting the rights of the individuals involved and the administrative processes surrounding such rights; and (3) withhold documents falling within one of the FOIA exemptions only if disclosure is prohibited by either statute, regulation and/or Executive Order (EO).

Again, your request is being processed under the provisions of the Freedom of Information Act (5 United States Code 552); United States Department of the Interior ("Department") implementing regulations found at 43 Code of Federal Regulations, Part 2, Subparts A through E, beginning at 2.1; and the Privacy Act of 1974 (5 United States Code 552a). Please be advised that additional FOIA and/or Privacy Act guidance /regulations may also be found at either the Department's web site, www.doi.gov/foia or at the United States Department of Justice web site, www.usdoj.gov.

Please be advised that the Department's FOIA regulations (at 43 C.F.R Part 2, Appendix C (1)) allow the NPS to charge for and recover certain fees incurred with the processing

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of a FOIA request. Specifically, staff file search and document review time is allowed at the hourly rate of \$59.00.

Based upon your recent modification, the NPS estimate to fulfill your request is now that of 13.5 hours of staff time. (Attachment) By statute, each requester is granted two free hours of staff time document search and review time and that grant has been factored into this estimate.

Therefore, the NPS fee to fulfill your request is now \$796.50 (13.5 hours of staff time minus 2 grant hours equals 27 staff hours @ \$59.00 totaling \$796.50)--- a 50% reduction from the original estimate of \$1593.00.) Photo-copying charges are still included in this estimate. If this estimate proves to be excessive, upon completion of the final processing of this request, a partial refund will be returned to you.

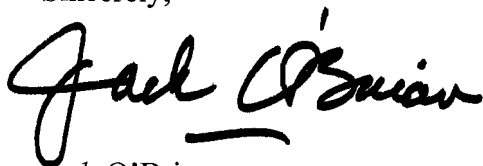
Once again, if you find this estimate to be unsatisfactory or otherwise unacceptable, you now have the opportunity to modify, cancel or otherwise restate your request as to render it either more cost effective and/or time efficient for both yourself and the NPS.

Department regulations allow that when a FOIA fee estimate exceeds \$250.00 full advance payment is required prior to the initiation of the final processing of the request. Consequently, you should forward your check or money order, made payable the "NATIONAL PARK SERVICE", to my attention at this letterhead address.

Also, please be advised and understand that pursuant to 43 C.F.R. 2.7(c), "The Act does not require a bureau (of the Department of the Interior) to answer questions that may be asked in a FOIA request." To be clear, the FOIA is a statutory mechanism to obtain copies of final and official Federal documents.

Thank you for your interest in Mesa Verde National Park and the National Park Service.

Sincerely,

A handwritten signature in black ink that reads "Jack O'Brian". The signature is written in a cursive style with a horizontal line under the name.


Jack O'Brian
Freedom of Information/Privacy Act Office
Intermountain Region/NPS

✓ Attachment

COPY FOR YOUR INFORMATION



William Nelligan/MEVE/NPS
10/05/2009 01:24 PM

To Jack O'Brian/DENVER/NPS@NPS
cc Betty Lieurance/MEVE/NPS@NPS, Larry Wiese/MEVE/NPS@NPS
bcc
Subject Re: Fee Estimate (Part II) 

Jack,

Revised estimate is 13.5 hours.

This assumes official documents only and does not include responses to questions that are not covered by official documents.

Other than consolidating and rewording the request, this RFI is essentially the same as the initial request.

Anyway, our intent is to provide official documents only, with the revised estimate of 13.5 hours.

Bill

Bill Nelligan
Deputy Superintendent
Mesa Verde National Park
PO Box 8
Mesa Verde, CO 81330
970-529-4609 phone; 970-529-4637 fax