



Dan Wagman, Ph.D., C.S.C.S

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May 5, 2009

Brent Botts  
District Ranger  
Pikes Peak Ranger District  
601 S. Weber St.  
Colorado Springs, CO 80903

**RE: FOIA Request**

Dear Mr. Botts:

Regarding the closure of FSR 371, or whatever designation the FS may now give the road that extends west past the entrance to Emerald Valley Ranch, I am requesting a review and possible copying of, specifically, the EA or DEIS and the public notice you mention in your writing of April 14, 2009. I am particularly interested in the text of such notice and the date in which it appeared in the Federal Register and newspaper of record.

Submitted as a THIRD FOIA request, I am calling for a review and possible copying of the Decision Memo you mention in your writing of April 14, 2009 regarding the closure of FSR 322A. Since a Decision Memo was generated, federal law requires the Forest Service to generate a document called Schedule of Proposed Actions (36 CFR 220.3) as well. I request a review and possible copying of that document as well. Naturally, and since regardless of whether this action is categorically excluded from an EA or EIS, scoping processes must be observed (36 CFR 220.4.e), I wish to review and possibly copy that and all related documents as well.

**If these records are not available, I am requesting a specific explanation as to why these documents are not available, ALONG WITH SPECIFIC REFERENCE TO FEDERAL LAW indicating why the action of closing this road does not require such documentation.**

Please note that you need not ascertain copying fees, as any copies that I may require will be done with my own equipment (36 CFR 200.6.c.2). Moreover, 7 CFR Part 1, Subpart A, Appendix A, Section 3.c states that fees need not be assessed in monitoring my inspection of these records. Finally, if all or any part of this request is denied, please cite those exemptions you believe to justify your refusal so that I may appeal your decision with specificity.

Kindly contact me via the e-mail address or phone number on this letterhead to set up a mutually beneficial time for me to review these records (36 CFR 200.6.c.3).

Sincerely,

Dan Wagman