

October 24, 2017

Holloman Air Force Base
FOIA office
1321 Tularosa Rd.
Holloman AFB, NM 88330-7928

RE: Freedom of Information Act Request
Submitted via certified US mail

To Whom It May Concern:

The New Mexico Wilderness Alliance is interested in obtaining information regarding the proposal to potentially expand military training exercises over the Gila Wilderness, Aldo Leopold Wilderness, and the Gila National Forest, and the corresponding Environmental Impact Statement which is currently being prepared. The Air Force published a Notice of Intent (NOI) in the Federal Register on August 25, 2017, proposing to expand current F16 training exercises to areas over the Gila National Forest including over at least two wilderness areas. We are requesting additional information relating to both the current training exercises and the proposal to expand those exercises. This is a formal request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, for the release and production of those items described below.

We respectfully request the following information:

1. All documents pertaining to current flight training activity in the Talon Military Operations Area and the Cato/Smitty Military Operations Area, including any permits which are in place for those exercises, the elevation of current flights, and an indication of the numbers of flights and exercises taking place each year.
2. All documents pertaining to the development of the proposal for the new "Lobos Military Operations Area" and the expansion of the two MOA's, including information about how the areas for analysis were chosen.
3. Any Memoranda of Agreements currently in place between Holloman AFB and the Gila National Forest.

As you know, FOIA provides that federal agencies shall grant a fee waiver for the production of information requested pursuant to the Act when such a waiver is in the public interest. See 5 U.S.C. § 552(a)(4)(A). New Mexico Wilderness Alliance's current request for information qualifies for a fee waiver under this standard. We accordingly request that all fees for document search and production be waived.

New Mexico Wilderness Alliance is a non-profit organization that serves the public interest by working for the protection, restoration, and continued enjoyment of New Mexico's wild lands and wilderness areas. We are incorporated in New Mexico under State Tax ID 02-392795-00-0 and recognized by the Internal Revenue Service as a § 501 (c)(3) tax exempt organization with Federal Tax ID 85-0457916.

Our membership has a particular interest in wilderness in New Mexico. Accordingly, we acquire, analyze, and disseminate information and data regarding activities in and around New Mexico's designated

wilderness areas. We also use FOIA requests to inform our own interactions with federal agencies, including comments on NEPA processes, meetings with agencies, and data collection.

It is our experience that the public release and dissemination of records supporting administrative decisions and policies is crucial to an understanding of the justifications and consequences of such decisions. New Mexico Wilderness Alliance disseminates the information it obtains, including all information obtained pursuant to FOIA, in various ways. The organization encourages the public to visit the office to review any records it obtains. We have also had excellent success in acquiring in-depth mainstream news coverage of land management issues. Since these efforts often rely on information we obtain through FOIA, a synopsis of this information is disseminated on a regular basis to all 3,500 recipients of our newsletter and all visitors to our website.

New Mexico Wilderness Alliance plans to use the information it obtains through this FOIA request in the methods described above. Given our well-orchestrated and demonstrably successful efforts at educating the public, and given the fact that our programs have significantly contributed to an understanding of government operations and activities, it is clear that we are entitled to a fee waiver.

The legislative history of FOIA, as well as case law construing the Act, indicates that the statute's fee waiver provision is to be liberally construed favoring the public interest. New Mexico Wilderness Alliance steadfastly believes that denial of its fee waiver request would be contrary to the law.

Thank you for your attention to this request, and please note that we appreciate electronic records whenever available. If you have any questions about the requested documents or the requested fee waiver, please do not hesitate to contact us. We look forward to receiving a response within twenty days, as required by FOIA.

Sincerely,

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