

Freedom of Information Act (FOIA) Request

Dear FOIA Officer:

This is a request filed under the:
FOIA

What park are you requesting records from? (If you do not know please enter N/A.)
Capitol Reef National Park

Please describe the record(s) you are seeking so that an employee familiar with the subject area of the request may locate the record(s) with a reasonable amount of effort. Please include descriptive information, time frame to be searched, etc.

I am requesting records relating to a cultural artifact that was removed from Capitol Reef in the 1950's to determine: 1) when, why, how and by whom it was removed; 2) when park officials determined the item was missing; and 3) what efforts they made over the past 50+ years to have the item returned. This request is for all memos, letters, emails, reports, maps, other documents and photographs, etc. relating to a large boulder covered with petroglyphs and pioneer graffiti. This is the boulder in plate 19b of the 1931 report by Noel Morss (Harvard Peabody Number: 998-21-10/100186.1.36.85 and Harvard Peabody Number: 998-21-10/100186.1.36.132). Also UMA #39 (Utah State Museum Association) report dated February 23, 1935.

Time periods of interest include:

1. 1940-1960 (Charles Kelly, 1st caretaker of Capitol Reef)
2. 1958-1963 (Grant Clark, 1st ranger)
3. 2010-Present (see names below)

For the period 2010-present, please include memos, letters, emails, reports, maps, other documents and photographs, etc. within and between Capitol Reef National Park

and any other parties involved with the boulder, its discovery or recovery, and its return to Capitol Reef National Park.

Are you asking for expedited processing of your request?

Yes

If so, why?

The boulder is sitting unprotected in an area subject to 5 times the rainfall of its native setting. Rainfall and runoff from an adjacent building over the past 35+ years have significantly eroded markings on the top of the boulder, including a previously undocumented second spiral.

Also, the boulder is located [REDACTED] and is at risk for vandalism, especially since [REDACTED] published its location February 2, 2013 on the [REDACTED] website ([http://\[REDACTED\]](http://[REDACTED])).

Therefore, lack of expedited treatment could reasonably be expected to pose a threat to the boulder's physical safety.

Plans for returning this cultural object to the National Park are unclear and actions apparently have been delayed for more than two years since an agreement was made with [REDACTED] in 2011.

Are you filing a request on behalf of another party?

No

If so, which party?

Fees and Waivers

In order to help to determine my status to assess fees, you should know that I am:

Other

Are you willing to pay for the processing of your FOIA request?

Yes

If so, how much?

Standard rates and fees as published, up to \$100. Additional amounts may be available through fund-raising efforts, depending upon the total estimated fees.

Checked **Please check if you would prefer an estimate of fees prior to processing.**

Please note: If you are not willing to pay, the National Park Service may not be able to process your request depending on the fees involved. The fee schedule is located at <http://www.doi.gov/foia/fees-waivers.cfm>.

Are you requesting a statutory fee waiver?

Yes

If so, please justify?

This request is for information to be made freely available to the public and professional researchers on the website WanderingBoulder.com, which is a free, non-commercial site designed to educate the public and to assist researchers by providing news, research articles and interpretive reports regarding the boulder and its return to Capitol Reef National Park.

Information about the boulder is significant to the public interest, because it has Fremont Indian, Mormon Pioneer and Spanish Explorer markings on it, which are of interest to Native Americans, archaeologists, historians and the general public. The boulder is useful in establishing the correct early history of Fruita, which is a Rural Historic District located in Capitol Reef National Park.

Information about the boulder's disappearance and recovery is likely to contribute significantly to public understanding of the operations or activities of the National Park Service and Capitol Reef National Park with respect to conservation and protection of resources and their recovery when they are lost. Specifically, it will help the public understand how a 15 ton boulder the size of a small car could be removed from a National Park, why it took 50+ years to locate this important cultural artifact and why it has not been returned to the park nearly three years after its discovery was reported to and confirmed by park officials.

I am relying on FOIA and its fee waiver provision to conduct the investigations that are essential to the performance of certain activities that further the goals of the WanderingBoulder.com web site, which include publicizing governmental choices and highlighting possible abuses that otherwise might go undisputed and thus unchallenged.

As an amateur archaeologist, historian and scholar, I have already spent hundreds of hours and dollars determining the location of the boulder and researching its significance and public interest with regard to the Fremont Indian, Mormon Pioneer and Spanish Explorer markings on the boulder. I provided this information freely to officials at Capitol Reef National Park and enabled them to confirm the boulder's location and to negotiate a return of the boulder to Capitol Reef. It is only fair that the NPS reciprocate by waiving fees applicable to this information request.

I gathered considerable information about the boulder, used my editorial skills to turn raw information into a distinct work, and then distributed that work to a wide audience via the WanderingBoulder.com website and applicable press releases.

Further information obtained will be transformed by my editorial skills into research articles and reports that will be disseminated through the web site and through press releases. Recipients of my press releases include the Associated Press (accessible to more than 30,000 journalists), 3,000 U.S. newspapers, 1,500 magazines and Social Media such as Twitter and Facebook. This wide distribution will multiply the benefit obtained by the single release of documents.

Please take note of the Office of Management and Budget guidelines published March 27, 1987 (52 FR 10012) that include electronic publications and other nontraditional publishers as representatives of the news media.

Also, I plan to make these documents available to the public at the University of Utah Law Library. As this is a facility open to the general public, many people will thereby have access to the information contained in the materials which are the subject of this request. Further, as the library is a Federal Repository, its Congressionally certified status as a resource to foster openness in government, as well as its role in facilitating the teaching and research occurring at the University, will be well served.

Thank you for your consideration of my request.

Sincerely,

Your Name: Ronald Bodtcher

Submitted March 4, 2014