

SUBJECT: Freedom of Information Act Request

TO:

Freedom of Information Officer  
Office of Counsel (CESPK-OC)  
US Army Engineer District, Sacramento  
1325 J Street, Room 1440  
Sacramento, California 95814-2922  
Phone: (916) 557-7596  
Fax: (916) 557-5118  
e-mail: FOIA-SPK@usace.army.mil

FROM: California Open Lands

Name: William N. Carlon

Mailing address: 245 Kentucky Street, Petaluma, CA 94559

Phone number: (707) 782-4060

E-mail address: wncarlon@packardlawoffices.com

Company: Law Offices of Andrew L. Packard

Date: 5/3/2022

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA) 5 U.S.C. 552, I would like to request the following federal government records which are under your agency's control:

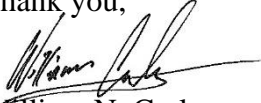
Any and all records related to SPK 200300113. This request includes any associated requests, determinations, and applications; and all correspondence, including email and notes of phone conversations. This request is limited in time to all records dated on or after March 17, 2022.

California Open Lands respectfully requests that the Corps waive any fees associated with this request. The narrow scope of this request coupled with the fact that this request is in the public interest because it is likely to contribute significantly to public understanding of government operations or activities warrants such a fee waiver. Furthermore, the subject of the requested document relates to a conservation easement made pursuant to California Civil Code Section 815, wherein the State Legislature explicitly declares such easements to be in the public interest.

Disclosure of the requested document will provide information and insight into the Corps' evaluation of whether a modification to the letter of permission is appropriate. The requested document will provide a clearer understanding of what the Corps is considering, and the scope of the request made by the County, when the Corps makes its determination regarding whether to modify the relevant letter of permission.

I look forward to receiving the requested documents within twenty (20) working days as required by statute.

Thank you,



William N. Carlon



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT  
1325 J STREET  
SACRAMENTO CA 95814-2922  
May 24, 2022

Office of Counsel

SUBJECT: Freedom of Information Act Request No. FA-22-0100; All Records  
Pertaining to SPK-200300113 Dated on or After March 17, 2022

Mr. William N. Carlon  
Law Offices of Andrew L. Packard  
245 Kentucky Street  
Petaluma, California 94559

Dear Mr. Carlon:

On May 4, 2022, our office received your Freedom of Information Act (FOIA) request for copy of all records pertaining to all records pertaining to SPK-200300113 dated on or after March 17, 2022.

For the purpose of assessing fees, I have classified you as a category 3 other requester under 32 C.F.R. § 518.85(b)(2)(iii). Category 3 requesters are entitled to two hours of search time and 100 pages of records free of charge. There are no charges for this request.

As requested, a redacted copy of all records pertaining to all records pertaining to SPK-200300113 dated on or after March 17, 2022 is enclosed.

Although the bulk of the requested information has been provided, names of Department of Defense (DoD) employees contained in the headers of e-mails and other similar lists of names within the records have been redacted pursuant to 5 U.S.C. § 552 (b)(6) of the Freedom of Information Act. In response to the terrorist attacks on the United States in the fall of 2001, DoD revised its policies which implement the Freedom of Information Act. At that time, the decision was made to withhold lists of names of all DoD employees. The court upheld this policy decision stating, "The privacy interest protected by exemption six of the Freedom of Information Act encompasses not only the addresses, but also the names of federal employees." See Judicial Watch, Inc. v. United States, 84 Fed. Appx. 335 (4th Cir. (2004)).

Because your request has been partially denied, you are advised of your right to appeal this determination through this office to the Secretary of the Army (ATTN: General Counsel). Your appeal must be postmarked or electronically transmitted within 90 days of the date of this letter. The envelope containing the appeal should bear the notation "Freedom of Information Act Appeal" and should be sent to U.S. Army Corps of Engineers, Sacramento District, ATTN: CESPCK-OC, 1325 J Street, Room 1440, Sacramento, California 95814.

For any further assistance or to discuss any aspect of your request, you have the right to contact the U.S. Army Corps of Engineers FOIA Public Liaison. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about FOIA mediation services they offer. Contact Information:

U.S. Army Corps of Engineers  
FOIA Public Liaison  
441 G. Street, NW  
ATTN: CECC-L (Emily Green)  
Washington, DC 20314-1000  
Email: [foia-liaison@usace.army.mil](mailto:foia-liaison@usace.army.mil)  
Phone: 202-761-4791

Office of Government Information Services  
National Archives and records Administration  
8601 Adelphi Road-OGIS  
College Park, MD 20740-6001  
E-Mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Phone: 202-741-5770 or  
Toll Free: 877-684-6448

If you have any questions regarding the provided information, please contact Ms. Andrea Vaiasicca, FOIA Specialist, at the above letterhead address or by calling (916) 557-7204.

Sincerely,



A. L. Faustino  
Initial Denial Authority  
District Counsel

Enclosures