



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

May 13, 2022

Office of Counsel

SUBJECT: Freedom of Information Act Request No. FA-22-0101; Copies of Correspondences, Including Pre-Construction Notifications (PCNs) and Wetland Determinations Regarding Property Located at 40.385897°, -111.827598°, Section 15, Township 5S, Range 1E, Salt Lake Meridian

Ms. Susan Kagel  
Kagel Environmental LLC  
Post Office Box 597  
Rigby, Idaho 83442

Dear Ms. Kagel:

On May 5, 2022, our office received your Freedom of Information Act (FOIA) request for copies of correspondences, including PCNs and wetland determinations regarding property located at 40.385897°, -111.827598°, Section 15, Township 5S, Range 1E, Salt Lake Meridian.

For the purpose of assessing fees, I have classified you as a commercial requester under 32 C.F.R. § 518.85(b)(2)(i). The charge for providing the requested information is as follows:

Professional Search and Review; 1.25 hrs. @ \$44 per hour      \$55

Ms. Andrea Vaiasicca emailed you a payment request on May 12, 2022 and suspended further processing until we received confirmation of your payment. We received confirmation of your payment through <https://pay.gov> on the same day. Thank you.

A redacted copy of the correspondences including wetland determinations regarding property located at 40.385897°, -111.827598°, Section 15, Township 5S, Range 1E, Salt Lake Meridian is enclosed. Unfortunately, there were no records of PCNS for this project.

Although a majority of the information requested 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)(3),(6) of the FOIA. These provisions, known as Exemptions 3 and 6, exempt from disclosure any information specifically exempted from disclosure by statute, along with personnel and medical files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Pursuant to 10 U.S.C. § 130b(a), personally identifying information may be withheld from disclosure regarding any member of the armed forces assigned to an overseas unit, a

sensitive unit, or a routinely deployable unit. See also Hall v. C.I.A., 881 F. Supp. 2d 38, 66 (D.D.C. 2012); Dep't of Defense, Manual 5400.07 ¶ 5.2(c)(2)(a) (Jan. 25, 2017).

Additionally, 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. Your appeal should clearly identify the determination that is being appealed, along with the assigned FOIA request number. 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  
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  
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, by phone at (916) 550-9104, or by email at Andrea.L.Vaiasicca@usace.army.mil.

Sincerely,



A. L. Faustino  
District Counsel  
Initial Denial Authority

Enclosures



**Kagel Environmental, LLC**  
*Nationwide Wetlands, Waters & Wildlife Consulting*  
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PO Box 597  
Rigby, Idaho 83442  
Phone (208) 313-3890  
Cell (406) 920-1439  
Office (208) 745-0076

**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:**  
Name: Susan Kagel  
Mailing address: PO Box 597, Rigby, ID 83442  
Phone number: 406-920-1439  
E-mail address: susan@kagelenvironmental.com  
Company: Kagel Environmental LLC

**Date:** 5/5/2022

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:

Copies of any correspondence, including PCN's and wetland determinations, concerning a property at 40.385897°, -111.827598°, Section 15, Township 5S, Range 1E, Salt Lake Meridian. At one time the project may have been called "Nelson Brothers".

I have been informed that processing fees for FOIA requests include professional search and review at \$44.00 per hour (billable on the ¼ hour) and reproduction costs at \$0.15 per page for standard copies and \$1.00 each for oversized and colored copies. I am willing to pay all applicable processing fees.

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