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

REPLY TO
ATTENTION OF

August 24, 2017

Office of Counsel

SUBJECT: Freedom of Information Act Request; FA-17-0145; All Public Comments, Correspondences and Communications between the Corps, Provo City and Public Related to SPK-201100107-U0, Provo Lakeview Parkway Project

Regional Freedom of Information Officer
U.S. EPA, Region 9
75 Hawthorne Street (OPA-2)
San Francisco, California 94105

Dear Regional. FOIA Officer:

In responding to the enclosed Freedom of Information Act request from Mr. Steven J Christiansen with Parr Brown Gee & Loveless, I located the enclosed email that originated with your agency. I have been informed that you are responsible for making a releasibility determination for your agency.

Enclosed is an email from your agency. Please review the enclosed record and reply directly to the requester as to releasibility for these records. I defer to your judgment on releasibility.

I would appreciate a copy of your reply to the requester. Please send it to my attention at the above letterhead address and refer to my tracking number FA-17-0145. For your reference also enclosed is a copy of my final response to the requester. If you have any questions regarding the processing of this request, please contact me directly, preferably by email at Andrea.L.Vaiasicca@usace.army.mil, or by telephone at (916) 550-9104.

Sincerely,

Andrea L. Vaiasicca
FOIA Specialist

Enclosure

Copy Furnished (wo/encls):

Mr. Steven J. Christiansen, Parr Brown Gee & Loveless, 101 South 200 East, Suite 700, Salt Lake City, Utah 84111

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

REPLY TO
ATTENTION OF

August 16, 2017

Office of Counsel

SUBJECT: Freedom of Information Act Request No. FA-17-0145; All Public Comments, Correspondences and Communications between the Corps, Provo City and Public Related to SPK-201100107-U0, Provo Lakeview Parkway Project

Mr. Steven J Christiansen
Parr Brown Gee & Loveless
101 South 200 East, Suite 700
Salt Lake City, Utah 84111

Dear Mr. Christiansen:

Reference your Freedom of Information Act request received in this office on July 18, 2017. Enclosed you will find a compact disc containing the agency records relating to all public comments, correspondences and communications between the Corps, Provo City and Public related to SPK-201100107-UO, Provo Lakeview Parkway Project.

Although a majority of the information requested has been provided, names and addresses of private individuals contained in the action file have been redacted pursuant to 5 U.S.C. § 552 (b)(6) of the Freedom of Information Act. Exemption 6 protects privacy interests to the extent that information about individuals is contained in personnel, medical and similar files, when the disclosure of such information would constitute a clearly unwarranted invasion of privacy. See, Strout v. United States Parole Comm'n, 40 F.3d 136, 139 (6th Cir. 1994).

Also, 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)).

This office will conduct another search if (you/your) (client(s)) can provide additional information which may assist us in locating the requested material [such as date, title or name, author, recipient, and subject matter of the record sought/title of court case, the court in which the case was filed, and the nature of case/file designations or descriptions for records sought].

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. 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: CESPK-OC, 1325 J Street, Room 1440, Sacramento, California 95814.

If you have any questions regarding the provided information, please contact Ms. Sara Platt, Freedom of Information Act Officer, at the above letterhead address or by calling (916) 557-7596.

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 less than $15.00 therefore no fee payment is required for this request.

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 Servicers
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

Sincerely,

A. L. Faustino
District Counsel
Initial Denial Authority

Enclosure