Alaska State Legislature

Senate Majority Leader

Judiciary Committee
Chairman
In-State Energy Committee
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State Affairs Committee
Joint Armed Services Committee
Legislative Council
Rules Committee

Senator John Coghill

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March 27, 2014

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National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

Regional Freedom of Information Officer
U.S. EPA Region 10
Office of External Affairs
1200 6th Avenue (CEC – 142)
Seattle, WA 98101

Re: **Freedom of Information Act ("FOIA") Re: January 2014 Assessment of Potential Mining Impact on Salmon Ecosystems in Bristol Bay, Alaska (EPA 910-R-14-001ES)**

Dear Honorable Sir or Ma'am:

This is Alaska State Senator John Coghill. I respectfully request, via the Freedom of Information Act ("FOIA")[1], the following records:

1. Any and all data collected as part of the agency's Bristol Bay ecological risk assessment.
   a. This shall include all peer-reviewed and non-peer reviewed scientific analysis.
   b. This shall include, but not be limited to, the alleged scientific analysis done in the January 2014 *Assessment of Potential Mining Impact on Salmon Ecosystems in Bristol Bay, Alaska* (EPA 910-R-14-001ES).
2. Any and all records related to "Pebble Mine" and/or "Bristol Bay" to Administrator Jackson and/or Administrator McCarthy regarding their communications with environmental non-governmental entities ("ENGOs") from 2010 to the present.
   a. The records should also include records distributed on "alias" or secondary e-mail accounts such as the "Richard Sheldon" alias account used by Lisa Jackson.
3. Any and all records used to prepare Administrator Jackson or Administrator McCarthy for briefings on the Bristol Bay area or the Pebble Mine project.

[1] 5 U.S.C. 552 et seq.

   a. The records should also include records distributed on "alias" or secondary e-mail accounts such as the "Richard Sheldon" alias account used by Lisa Jackson.
4. Any and all records of gift disclosures to Administrator Jackson or Administrator McCarthy during their respective trips to Alaska (Administrator Jackson in 2010, Administrator McCarthy in 2013).
5. The daily calendar(s) for Administrator McCarthy from her 2013 trip to Alaska.
   a. The calendar would begin from her first day of flight to Alaska to the last day of flight from Alaska.
6. Any and all records used to prepare Administrator McCarthy for her trip to Alaska. The relevant documents may be within 30 before her date of arrival and be within 90 days from her date of departure.
7. The daily calendar(s) for Administrator Jackson from her 2010 trip to Alaska.
   a. The calendar would begin from her first day of flight to Alaska to the last day of flight from Alaska.
8. Any and all records used to prepare Administrator Jackson for her trip to Alaska. The relevant documents may be within 30 before her date of arrival and be within 90 days from her date of departure.
9. Any and all records from Administrator McCarthy and Administrator Jackson with the word "Alaska", "AK", "Pebble Mine", "Bristol Bay" or similar codeword for "Alaska", "AK", "Pebble Mine" or "Bristol Bay."
   a. The relevant timeframe is 2010 to the present.
10. Any and all records sent to Administrator McCarthy and Administrator Jackson related to enforcement of the Clean Water Act Section 404(c) in Alaska.
11. Any and all records from the EPA's Office of Enforcement and Compliance Assurance, from the first day of the Obama Administration to the date of this FOIA, including, but not limited to, records created by Assistant Administrator Cynthia Giles, regarding enforcement and compliance with the Clean Water Act in Alaska.
12. Any and all records from the EPA's Office of Enforcement and Compliance Assurance from the first day of the Obama Administration to the date of this FOIA that contain the word "Alaska", "AK", "Pebble Mine" or "Bristol Bay" in them.
13. Any and all records from the EPA's Office of Enforcement and Compliance; and as a separate request from Region 10 of the EPA, from the first day of the Obama Administration to the date of this FOIA that contain the word "Alaska", "AK", "Pebble Mine" or "Bristol Bay" and relate to compliance or interpretation of the Clean Water Act.
14. Any and all records regarding the payment of travel or other costs for individual EPA employees that travelled to Bristol Bay in 2010 and 2013, including the costs of charter aircraft to conduct aerial surveillance.
15. Any and all guidelines the EPA is using, including guidelines that may be different from the document titled *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Environmental Protection Agency.*

The form of the records should include, but not be limited to documents of any kind, including:

> papers, books, accounts, letters, photographs, objects, tangible things, correspondence, telegrams, cable talex messages, memorandum, notes, desk calendars, diaries, notations, work papers, intra and inter-office communications, intra and inter-departmental communications, communications to, between and among officers, agents, partners,

secretaries, or any other employees, transcripts, minutes, reports, and/or recording of telephone or other conversations, or interviews, or of committee meetings or of other meetings, affidavits, statements, summaries, opinions, reports, preliminary reports, studies, analogies, evaluations, insurance policies, contracts, licenses, agreements, balance sheets, income statements, questionnaires, answers to questionnaires, statistical records, appointment books, telephone logs, lists, tabulations, charts, graphs, maps, surveys, sound recordings, data sheets, computer tapes, discs, magnetic tapes, punch cards, computer printouts, data processing input and output, computer programs, computer program coding sheets, microfilms, e-communications, e-mail, text, all records kept by electronic photographic or mechanical means, and things similar to any of the foregoing, regardless of their author or origin, however denominated by it.

If the FOIA request is denied in whole or part, I expect the EPA to justify its decision, identify the withheld records, identify any privileges or immunities, and reference the specific exemptions claimed in the Act.

Fees associated with this FOIA request should be properly waived. The public interest is served by this anticipated records disclosure (because it is likely to contribute significantly to the public's understanding of EPA operations and activity). There is no primary commercial interest with this FOIA request.

The records are requested within twenty working days. If the records cannot be produced within twenty working days, I request that the EPA contact Chad Hutchison (chad.hutchison@akleg.gov) for an explanation of progress. Mr. Hutchison can also be contacted via phone: (907) 465-6858 or (907) 451-2157.

Your efforts on this matter are appreciated.

Sincerely,

Alaska Senator John Coghill

cc: Senator Lisa Murkowski
Senator Mark Begich
Congressman Don Young
Governor Sean Parnell
Attorney General Michael Geraghty