From: Timothy A. McKeever
To: Palomaki, Ashley
Subject: Re: FOIA Request EPA-R10-2016-008731
Date: Wednesday, September 21, 2016 4:41:56 PM

10:15 will work. I will call you

Sent from my iPhone

On Sep 21, 2016, at 4:27 PM, Palomaki, Ashley <Palomaki.Ashley@epa.gov> wrote:

> I can make 9:30 work if 10:15 doesn't work for you.
>
> Thanks,
>
> Ashley
>
> **Ashley Palomaki**
> Assistant Regional Counsel
> U.S. EPA Region 10 Office of Regional Counsel
> 1200 Sixth Avenue, Suite 900, ORC-113
> Seattle, WA 98101
> 206-553-8582
>
> ---
>
> **From:** Palomaki, Ashley
> **Sent:** Wednesday, September 21, 2016 12:54 PM
> **To:** 'Timothy A. McKeever' <Tmckeever@hwb-law.com>
> **Subject:** RE: FOIA Request EPA-R10-2016-008731
>
> Does 10:15 work? Thanks.
>
> **Ashley Palomaki**
> Assistant Regional Counsel
> U.S. EPA Region 10 Office of Regional Counsel
> 1200 Sixth Avenue, Suite 900, ORC-113
> Seattle, WA 98101
> 206-553-8582
>
> ---
>
> **From:** Timothy A. McKeever [mailto:Tmckeever@hwb-law.com]
> **Sent:** Wednesday, September 21, 2016 12:46 PM
> **To:** Palomaki, Ashley <Palomaki.Ashley@epa.gov>
> **Subject:** Re: FOIA Request EPA-R10-2016-008731
>
> Tomorrow would work for me. Can I call you at about 9:30? If not please suggest another time.

Sent from my iPhone

On Sep 21, 2016, at 12:25 PM, Palomaki, Ashley <Palomaki.Ashley@epa.gov> wrote:

> Mr. McKeever,
>
> EPA has been working on this FOIA and is ready to discuss next steps. Do you have some time to chat with me? I'm pretty booked this afternoon but have a lot of availability tomorrow.
>
> Best,
>
> Ashley
>
> **Ashley Palomaki**
> Assistant Regional Counsel
> U.S. EPA Region 10 Office of Regional Counsel
> 1200 Sixth Avenue, Suite 900, ORC-113
> Seattle, WA 98101
> 206-553-8582
>
> ---
>
> **From:** Palomaki, Ashley
> **Sent:** Friday, September 16, 2016 12:10 PM
> **To:** 'Timothy A. McKeever' <Tmckeever@hwb-law.com>
> **Cc:** 'Stacey C. Stone' <SStone@hwb-law.com>; 'Tina M. Hardwick' <Thardwick@hwb-law.com>
> **Subject:** RE: FOIA Request EPA-R10-2016-008731
>
> Mr. McKeever,
>
> I just wanted to provide you with a quick update. We are continuing to work on this and expect to be able to provide you with an initial fee estimate and additional information early next week.
>
> Have a good weekend.
>
> Ashley
>
> **Ashley Palomaki**
> Assistant Regional Counsel
> U.S. EPA Region 10 Office of Regional Counsel
> 1200 Sixth Avenue, Suite 900, ORC-113
> Seattle, WA 98101

206-553-8582

From: Palomaki, Ashley
Sent: Wednesday, September 07, 2016 3:45 PM
To: Timothy A. McKeever <Tmckeever@hwb-law.com>
Cc: Stacey C. Stone <SStone@hwb-law.com>; Tina M. Hardwick <Thardwick@hwb-law.com>
Subject: RE: FOIA Request EPA-R10-2016-008731

Mr. McKeever,

Thank you for your email. I apologize for the delayed response, but the Agency has been working on this. We ran a search within the documents for the keywords you listed below and the initial search returned approximately 6,500 documents, which is a substantial reduction. We are currently working to ensure that this is a full and accurate count. Once we have done so, I will be in touch with a fee estimate and a request for an assurance of payment. Please feel free to get in touch if you have questions.

Best,

Ashley

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 900, ORC-113
Seattle, WA 98101
206-553-8582

From: Timothy A. McKeever [mailto:Tmckeever@hwb-law.com]
Sent: Wednesday, September 07, 2016 1:59 PM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Cc: Stacey C. Stone <SStone@hwb-law.com>; Tina M. Hardwick <Thardwick@hwb-law.com>
Subject: RE: FOIA Request EPA-R10-2016-008731

Dear Ms. Palomaki,

Below is another copy of a modification of the above FOIA request. I had not gotten any acknowledgement that you received the original and so I am sending this again.

Please let me know if you have any questions.

From: Timothy A. McKeever
Sent: Tuesday, August 30, 2016 3:21 PM
To: 'Palomaki, Ashley'
Cc: Stacey C. Stone; Tina M. Hardwick
Subject: RE: FOIA Request EPA-R10-2016-008731

Dear Ms. Palomaki,

We hereby request that our pending FOIA request (as shown above) be modified so that we obtain those documents responsive to the original request which include any of the following key words and phrases:

"Lake Clark Air"
LCA
Tanalian
"The Farm Lodge"
Farm
"E & M Enterprises"
"E & M"
"E&M"
Grams
"Grams Café & B&B"
"Iliamna Development Corporation"
IDC
"Iliamna Natives Limited"
INL
Anglo
"Defend Your Rights"
DYR
SOS
Greg Anelon
"Jade North"
"Lake and Peninsula Borough"
"L&P"
"L & P"
LP
"Lake and Peninsula School District"
"School District"
Borough
LPBSD
"Lake and Pen"
Myrtle Anelon
Anelon
Nuna
"Truth About Pebble"
TAP
Glen Alsworth
Alsworth
"Lake and Peninsula Airlines"
LPA
"Lorene Anelon"

Lorene
Glen

Our request for modification is based on the understanding that our original request would have involved many thousands of pages and costs of many thousands of dollars. It is our hope that the modified request will reduce the cost substantially. Our modification assumes that asking that the documents produced be limited to the above key words or phrases, the response to our request can be done for much less cost. Please advise me if that is not correct.

I understand that the EPA staff will initially determine the cost of searching using the more limited scope and will advise us of the projected cost of that search and seek payment assurance. Then you will review the more limited set of documents to determine what is not subject to the confidentiality provisions of the protective order and then you would produce those documents while advising us of the number of pages or documents which were responsive but which you feel cannot be produced due to the protective order.

Please let me know if my understanding of any of the above is incorrect.

Thank you.

From: Palomaki, Ashley [mailto:Palomaki.Ashley@epa.gov]
Sent: Monday, August 29, 2016 10:43 AM
To: Timothy A. McKeever
Subject: RE: FOIA Request EPA-R10-2016-008731

Mr. McKeever,

I'm just following up to see if you and your clients have made any decisions about the FOIA referenced in the subject line.

Best,

Ashley

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 900, ORC-113
Seattle, WA 98101
206-553-8582

From: Palomaki, Ashley
Sent: Monday, August 15, 2016 8:11 AM
To: Timothy A. McKeever <Tmckeever@hwb-law.com>
Subject: RE: FOIA Request EPA-R10-2016-008731

Tim,

Answers to your questions are below.

Best,

Ashley

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 900, ORC-113
Seattle, WA 98101
206-553-8582

From: Timothy A. McKeever [mailto:Tmckeever@hwb-law.com]
Sent: Friday, August 12, 2016 12:05 PM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: RE: FOIA Request EPA-R10-2016-008731

Follow up questions—if we decide to narrow our request could we get another rough estimate of the cost of the narrowed request?
Yes – The government would not proceed without providing you an estimate for search and review and then getting a fee assurance from you.
Would we have to start all over with a narrowed request or would we simply proceed on this pending request as narrowed.
You would not have to start all over with a narrowed request. When and if you narrow the request, I would follow up with a letter confirming the new scope of the request. That letter would be uploaded to FOIAonline so that the new scope is documented.
Once you process a narrowed request would you normally tell us how many pages or documents have been identified as responsive? And in this case would you be in a position to tell us how many of the responsive documents are marked 'confidential' and how many are not?
Yes – For a "normal" FOIA, all responsive documents are accounted for. They are accounted for because they are released in full or in part to the requester or documented on a privilege log if they are withheld in full. Here, the government would provide the number of documents stamped confidential that it is unable to release because of the second amended protective order. Documents that have not been stamped confidential would be accounted for because they would either be released to you in full or in part or documented on a privilege log if they are withheld in full due to an applicable FOIA exemption.

This would help us decide how to proceed.

From: Palomaki, Ashley [mailto:Palomaki.Ashley@epa.gov]
Sent: Friday, August 12, 2016 11:27 AM
To: Timothy A. McKeever
Subject: RE: FOIA Request EPA-R10-2016-008731

Mr. McKeever,

Per our conversation this morning, a copy of the second amended protective order is attached.

Best,

Ashley

From: Timothy A. McKeever [mailto:Tmckeever@hwb-law.com]
Sent: Thursday, August 11, 2016 4:56 PM
To: Palomaki, Ashley
Subject: Re: FOIA Request EPA-R10-2016-008731

Would 9:30 Seattle time work?

Sent from my iPhone

On Aug 11, 2016, at 2:46 PM, Palomaki, Ashley <Palomaki.Ashley@epa.gov> wrote:

> Mr. McKeever,
>
> DOJ and I are available at 12pm eastern (9 am pacific) tomorrow. Are you in Seattle or Anchorage? This is a little early Anchorage time. If this does not work for you, just let me know, and we will schedule another time.
>
> Once we have a time scheduled, I will send a conference line around.
>
> Best,
>
> Ashley
>
> **Ashley Palomaki**
> Assistant Regional Counsel
> U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113
Seattle, WA 98101
206-553-8582

From: Timothy A. McKeever [mailto:Tmckeever@hwb-law.com]
Sent: Thursday, August 11, 2016 2:20 PM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: Re: FOIA Request EPA-R10-2016-008731

Dear Ms. Palomaki,

I am happy to meet with you to discuss this issue. I could do it tomorrow, or Monday or Tuesday of next week or anytime after August 25th. Please let me know what work for you and the DOJ atty.

Sent from my iPhone

On Aug 11, 2016, at 12:44 PM, Palomaki, Ashley <Palomaki.Ashley@epa.gov> wrote:

> Mr. McKeever,
>
> The EPA has received your FOIA request, which seeks the following:
>
> Copies of all documents produced by Pebble Limited Partnership and/or its parent company, Northern Dynasty Minerals Ltd. and/or any other entity, to the US Environmental Protection Agency and/or the US Department of Justice in response to Requests for Production 19-21, 23, 25-26 in Defendants' First Set of Requests for Production of Documents at 6, Exhibit 1, Defendants' Motion to Compel [etc.], Docket No. 209, in the case entitled Pebble Limited Partnership vs. Environmental Protection Agency, et. al.; Case No 3:14-cv-0171-HRH in the United States District Court for the District of Alaska. This request extends to all records or documents produced in response to the Order dated May 5, 2016 relating to the Motion to Compel in

that case.(attached) The documents sought are those documents discussed in the paragraph beginning on page 10 of the attached Order which are ordered to be produced on pages 11 and 12 of the same.

I would like to set a time to discuss this request with you and a Department of Justice attorney that works on the case entitled Pebble Limited Partnership vs. Environmental Protection Agency, et. al.; Case No 3:14-cv-0171-HRH. We would like to better understand your request, see if you would like to narrow your request in light of the fee waiver denial or for any other reason, and to explain the potential implications of the amended protective order and other possible FOIA exemptions to your request.

The processing clock is stopped for your FOIA request until we receive your clarification or modification.

Please respond within ten calendar days from the date of this letter to arrange a time to discuss your request. If we do not receive a response from you within this time period, we will consider your request to be voluntarily withdrawn. Once the request is clarified and we receive a written assurance of payment for the full processing amount, we will continue processing your FOIA request and provide you with an updated estimated timeframe for completion.

I look forward to hearing from you.

Ashley

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 900, ORC-113
Seattle, WA 98101
206-553-8582

Disclaimer: This electronic message contains information from the law firm of Holmes Weddle & Barcott, A Professional Corporation, and is confidential or privileged. The information is intended solely for the use of the individual or entity named above. If you are not the intended recipient, do not read, distribute, reproduce or otherwise disclose this transmission or any of its contents. If you have received this electronic message in error, please notify us immediately via e-mail or by telephone at (907) 274-0666 (Anchorage) or (206) 292-8008 (Seattle).

Disclaimer: This electronic message contains information from the law firm of Holmes Weddle & Barcott, A Professional Corporation, and is confidential or privileged. The information is intended solely for the use of the individual or entity named above. If you are not the intended recipient, do not read, distribute, reproduce or otherwise disclose this transmission or any of its contents. If you have received this electronic message in error, please notify us immediately via e-mail or by telephone at (907) 274-0666 (Anchorage) or (206) 292-8008 (Seattle).

Disclaimer: This electronic message contains information from the law firm of Holmes Weddle & Barcott, A Professional Corporation, and is confidential or privileged. The information is intended solely for the use of the individual or entity named above. If you are not the intended recipient, do not read, distribute, reproduce or otherwise disclose this transmission or any of its contents. If you have received this electronic message in error, please notify us immediately via e-mail or by telephone at (907) 274-0666 (Anchorage) or (206) 292-8008 (Seattle).

Disclaimer: This electronic message contains information from the law firm of Holmes Weddle & Barcott, A Professional Corporation, and is confidential or privileged. The information is intended solely for the use of the individual or entity named above. If you are not the intended recipient, do not read, distribute, reproduce or otherwise disclose this transmission or any of its contents. If you have received this electronic message in error, please notify us immediately via e-mail or by telephone at (907) 274-0666 (Anchorage) or (206) 292-8008 (Seattle).

Disclaimer: This electronic message contains information from the law firm of Holmes Weddle & Barcott, A Professional Corporation, and is confidential or privileged. The information is intended solely for the use of the individual or entity named above. If you are not the intended recipient, do not read, distribute, reproduce or otherwise disclose this transmission or any of its contents. If you have received this electronic message in error, please notify us immediately via e-mail or by telephone at (907) 274-0666 (Anchorage) or (206) 292-8008 (Seattle).

Disclaimer: This electronic message contains information from the law firm of Holmes Weddle & Barcott, A Professional Corporation, and is confidential or privileged. The information is intended solely for the use of the individual or entity named above. If you are not the intended recipient, do not read, distribute, reproduce or otherwise disclose this transmission or any of its contents. If you have received this electronic message in error, please notify us immediately via e-mail or by telephone at (907) 274-0666 (Anchorage) or (206) 292-8008 (Seattle).

Disclaimer: This electronic message contains information from the law firm of Holmes Weddle & Barcott, A Professional Corporation, and is confidential or privileged. The information is intended solely for the use of the individual or entity named above. If you are not the intended recipient, do not read, distribute, reproduce or otherwise disclose this transmission or any of its contents. If you have received this electronic message in error, please notify us immediately via e-mail or by telephone at (907) 274-0666 (Anchorage) or (206) 292-8008 (Seattle).