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The Black Vault

The image shows a close-up of a heavy, metallic vault door. The door is partially open, revealing a complex internal mechanism with multiple locking bolts and a central handle. A bright blue light emanates from the gap between the door and the frame, creating a strong glow and casting shadows on the surrounding metal. The overall aesthetic is industrial and mysterious.

The Black Vault is the largest online Freedom of Information Act (FOIA)
document clearinghouse in the world. The research efforts here are
responsible for the declassification of hundreds of thousands of pages
released by the U.S. Government & Military.

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FEMA

July 13, 2016

[REDACTED]

[REDACTED]

[REDACTED]

This is the final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA), dated December 22, 2012 and received by this office on December 23, 2012. You requested a copy of the contents of the administrative processing, tracking file, folder and notes to include emails, notes, memos, letters, correspondence, etc. associated with the twelve oldest pending FOIA requests at FEMA.

A search of FEMA's Records Managements Division for documents responsive to your request produced a total of 623 pages. Of those pages, we have determined that 145 pages are releasable in their entirety and portions of 478 pages are exempt from release pursuant to Title 5 U.S.C. § 552(b)(5), and (b)(6), FOIA Exemptions 5 and 6.

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, we determined that portions of the responsive documents qualify for protection under the Deliberative Process Privilege. The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

FOIA Exemption 6 exempts from disclosure of personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

[REDACTED]

You have the right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge. 6 C.F.R. §5.11(d)(4).

If you have any questions or would like to discuss this matter you can contact FEMA at 202-646-3323 and please reference the subsequent case identifier: [REDACTED]

Sincerely,



Eric Neuschaefer
FOIA Program Specialist

Enclosure: Responsive Documents (622 pages)

07-508

ROUTING AND TRANSMITTAL SLIP				DATE: 06/01/11	
TO: (Name, Office Symbol, Room Number, Building, Agency/Post)				Initials	Date
1.	(b)(6)			(b)(6)	08/11/11
2.	Connie Cook, Program Management Analyst			<i>CCK</i>	08.11.2011
3.	O.C.C. <i>DM recvd 8-12-11</i>			<i>DM 9/23/11</i>	23 SEP 2011
4.	Dr. Anthony Bennett, Disclosure Branch Chief			<i>AB</i>	9/23/11

			File		Note and Return
	Approval	1	For Review		Per Conversation
	As Requested		For Correction		Prepare Reply
	Circulate		For Your Info		Comment
2	Concurrence		Investigate		Signature
	Coordination		Justify		Other (Note below)

REMARKS: Second interim response to FOIA Case 07-508

FROM: (b)(6)

(b)(6)

There are approximately 74,000 pages pertaining to request 07-508. The documents have been derived from e-mail names and search terms provided by the requester. The FEMA - FOIA review has resulted in a first interim response being released to the requester in November 2010. The interim response documents are divided into parts for manageability, e.g. an interim response of 1200 pages may be divided into four parts (4).

Interim response 002 part 001 = 300 pages
 Interim response 002 part 002 = 300 pages
 Interim response 002 part 003 = 300 pages
 Interim response 002 part 004 = 300 pages

Please e-mail
 cover letter to me
 for review -- *B*

*Reviewed for legal sufficiency by
 ACC - see B drive copies
 for comments on "sticky notes".
*K**

ROUTING AND TRANSMITTAL SLIP

TO: (Name, Office Symbol, Room Number, Building, Agency/Post)

DATE: 12/13/2011

1.	(b)(6)	Initials	Date
2.	Connie Cook, Program Management Analyst	(b)(6)	12/13/2011
3.	O.C.C. <i>DM/PR</i>	<i>CR</i>	01/20/2012 12.13.11
4.	Dr. Anthony Bennett, Disclosure Branch Chief	<i>DM/PR</i>	12-15-11

	File	Note and Return
Approval	1	For Review
As Requested		For Correction
Circulate		For Your Info
2 Concurrence		Investigate
Coordination		Justify
		Signature
		Other (Note below)

REMARKS: *Third* Second interim response to FOIA Case 07-508

FROM:

Room # 401

Phone #

508 - Third Interim Response

il to supplement the 1,277 pages produced in the 011. Primary redactions are names, email addresses, are a few (b)(4) and (b)(5) redactions, about evenly y-client communications.

DIA\07-508\Stage 002 Bracketed Documents\003 rim response DLeonard_Part 1,2,3,4,5



Please disregard my notes on this response material -- it is okay to release these docs for expediency. B. Leonard

...sufficient. Modifications as my file. Majority of comments are: ...material...

INTERNAL ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)

	Initials	Date Rcvd	Date
1. (b)(6)	(b)(6)		
2. Connie Cook			
3. OCC <input type="checkbox"/> (b)(6)			
4. Connie Cook			
5. Dr. Anthony M. Bennett: <input checked="" type="checkbox"/> Paula Rich <input type="checkbox"/> John Dimos	See below		11/02
6. Connie Cook			11/21
7. (b)(6)			
8. (b)(6)			11/3/11

Action	File	Note and Return
Approval	For Review	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Info	Comment
Concurrence	Investigate	Signature
Coordination	Justify	Other (Note below)

REMARKS:

07-508 - Second Interim Response

This response provides 1,277 pages of e-mail to supplement the 1,333 pages produced in the first interim response (November 15, 2010). Primary redactions are names, e-mail addresses, and telephone numbers under (b)(6). There are a few (b)(5) redactions, about evenly divided between pre-decisional and attorney-client communications.

The attached letter and document set reflect the comments of OCC (Paula Rich), which were made electronically.

FROM: (b)(6) MSB/RMD/DB

(b)(6)@associates.fema.dhs.gov

Location: 1800 S. Bell

Phone Number: 202 216 (b)(6)

ROUTING AND TRANSMITTAL SLIP 2nd interim to FOIA Case 07-508

2

The interim response documents are located at: R:\RMD\FOIA\Case Files\FY07 FOIA\07-508\002 Bracketed Documents

See Interim response 002 interim response bracketed

Interim response 002 part 001 = 300 pages

Interim response 002 part 002 = 300 pages

Interim response 002 part 003 = 300 pages

Interim response 002 part 004 = 300 pages

Interim response 002 part 005 = 105 pages

The redaction list for each interim response can be located in the interim response folder.

07-508

**JONES
WALKER**

Daniel Davis
Direct Dial (b)(6)
Direct Fax 225-248-5082
(b)(6) info@joneswalker.com

August 29, 2007

(b)(6) FOIA Officer
Federal Emergency Management Agency
500 C Street, S.W., Room 840
Washington, D.C. 20472

RECEIVED

SEP 17 2007

FEMA OGC

Re: Freedom of Information Act Request

Dear Madam:

Please allow this letter to serve as a request for information made pursuant to the Freedom of Information Act, 5 U.S.C. §552. I request that you provide copies of the following documents to me:

1. Any and all emails sent either to or from the following email addresses between August 25, 2005 and August 28, 2007

• (b)(6)
•
•

We will be happy to reimburse you for any search and review costs as well as any copying costs, if you will forward a statement along with the requested documents. Please do not hesitate to call me if you have any questions.

Sincerely,



Daniel B. Davis

JONES, WALKER, WAECHTER, POITEVENT, CARRERE & DENEGRE L.L.P.

8555 UNITED PLAZA BOULEVARD • BATON ROUGE, LOUISIANA 70809-7000 225-248-2000 FAX 225-248-2010 E-MAIL info@joneswalker.com www.joneswalker.com
(804)6275911
BATON ROUGE HOUSTON LAFAYETTE MIAMI NEW ORLEANS WASHINGTON, D.C.

I do hope the people conducting the search on our old FOIA 07-508 recall that it was limited to certain search terms pursuant to the email below.

Could you please check on this?

Thanks

Pepper Allgood
Jones, Walker, Waechter,
Poitevent, Carrere & Denegre, L.L.P.
8555 United Plaza Blvd.
Baton Rouge, LA 70809
(b)(6) (voice)
225.248.3038 (fax)
(b)(6) @joneswalker.com

This transmission is intended only for the party(s) to whom it is addressed and may contain privileged or confidential information. If you are not the intended recipient, you are hereby notified that any use, dissemination, or copying of this transaction is prohibited. If you have received this in error, please notify us immediately by telephone and return this transmission and any copies to us by mail.

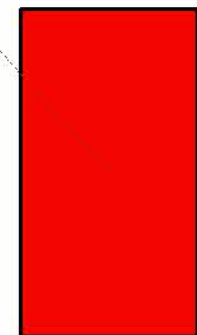
From: Davis, Daniel
Sent: Monday, February 25, 2008 4:26 PM
To: (b)(6)
Cc: Allgood, Pepper
Subject: RE: FOIA 07-508--status

Ms. (b)(6)

✓ Thanks for your update on FOIA 07-508. I have reviewed the correspondence on this file, and I want to make a point of clarification. I submitted FOIA request 07-508 on behalf of my client, Unified Recovery Group, LLC ("URG"). I am URG's attorney handling this matter. I have consulted with URG about the possibility of narrowing the scope of this request, perhaps by providing you with search terms that could pinpoint specific emails. I provided a similar set of search terms to (b)(6) at her suggestion, in connection with URG's FOIA request no. 07-073. URG is willing to provide the following revised scope.

Provide any and all emails sent to or received from (or copied/forwarded/cc'ed to or from) the email addresses identified in the original FOIA request (07-508) that contain any of the following terms:

(b)(6)



mhtml:file://A:\h...02...011...n...

07-508



Daniel Davis
Direct Dial (b)(6)
Direct Fax 225-248-3082
(b)(6) @joneswalker.com

August 29, 2007

RECEIVED

SEP 17 2007

FEMA OGC

(b)(6)
FOIA Officer
Federal Emergency Management Agency
500 C Street, S.W., Room 840
Washington, D.C. 20472

Re: Freedom of Information Act Request

Dear Madam:

Please allow this letter to serve as a request for information made pursuant to the Freedom of Information Act, 5 U.S.C. §552. I request that you provide copies of the following documents to me:

- I. **Any and all emails sent either to or from the following email addresses between August 25, 2005 and August 28, 2007**

- (b)(6)
-
-

We will be happy to reimburse you for any search and review costs as well as any copying costs, if you will forward a statement along with the requested documents. Please do not hesitate to call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Davis".

Daniel B. Davis

JONES, WALKER, WAECHTER, POTTEVENT, CARRERE & DENEGRE LLP

8555 UNITED PLAZA BOULEVARD • BATON ROUGE, LOUISIANA 70809-7000 • 225-248-2000 • FAX 225-248-2010 • E-MAIL info@joneswalker.com • www.joneswalker.com

(B0462759-1)

BATON ROUGE • HOUSTON • LAFAYETTE • MIAMI • NEW ORLEANS • WASHINGTON, D.C.

From: (b)(6)
Sent: Tuesday, May 11, 2010 6:50 AM
To: (b)(6)
Cc: (b)(6)
Subject: FW: RE: FOIA 07-508--status

Importance: High

Good Morning (b)(6)

Mr. Allgood gave us the search terms (below) back in 2008. We should be able to narrow the responsive documents significantly with these terms. Let me know how that works and see if we are able to do the interim release or a final response (hopefully).

thks

(b)(6)
Senior FOIA Specialist
Disclosure Branch
Records Management Division
(b)(6)

From: (b)(6)
Sent: Monday, May 10, 2010 2:21 PM
To: (b)(6)
Subject: FW: RE: FOIA 07-508--status

(b)(6)

Please see the attached for search terms given to Alisa in 2008 in an effort to reduce the search.

(b)(6)
Supervisory Program Analyst
Management Directorate
Office of Records Management
Disclosure Office/ Records Mgt.
DHHS/FEMA
office (b)(6)
fax 504-762-2893
cell (b)(6)
(b)(6)@dhs.gov

From: Allgood, Pepper [mailto:(b)(6)@joneswalker.com]
Sent: Thursday, May 06, 2010 6:18 PM
To: (b)(6)
Subject: FW: RE: FOIA 07-508--status

(b)(6)

I do hope the people conducting the search on our old FOIA 07-508 recall that it was limited to certain search terms pursuant to the email below.

Could you please check on this?

Thanks

Pepper Allgood
Jones, Walker, Waechter,
Poitevent, Carrere & Denegre, L.L.P.
8555 United Plaza Blvd.
Baton Rouge, LA 70809

(b)(6)

225.248.3038 (fax)

(b)(6) @joneswalker.com

This transmission is intended only for the party(s) to whom it is addressed and may contain privileged or confidential information. If you are not the intended recipient, you are hereby notified that any use, dissemination, or copying of this transaction is prohibited. If you have received this in error, please notify us immediately by telephone and return this transmission and any copies to us by mail.

From: Davis, Daniel
Sent: Monday, February 25, 2008 4:26 PM
To: (b)(6)
Cc: Allgood, Pepper
Subject: RE: FOIA 07-508--status

(b)(6)

Thanks for your update on FOIA 07-508. I have reviewed the correspondence on this file, and I want to make a point of clarification. I submitted FOIA request 07-508 on behalf of my client, Unified Recovery Group, LLC ("URG"). I am URG's attorney handling this matter. I have consulted with URG about the possibility of narrowing the scope of this request, perhaps by providing you with search terms that could pinpoint specific emails. I provided a similar set of search terms to Ms. (b)(6) at her suggestion, in connection with URG's FOIA request no. 07-073. URG is willing to provide the following revised scope:

Provide any and all emails sent to or received from (or copied/forwarded/cc'ed to or from) the email addresses identified in the original FOIA request (07-508) that contain any of the following terms:

(b)(6)

I understand that once a response is forthcoming, my client will then have the option to (1) abandon any further search, (2) modify the request further, or (3) proceed with the original FOIA request without losing its place in the queue. Narrowing the request is intended to expedite this process, and I understand that it will not result in the request losing its place in the queue. (In fact, my impression is that once we agree to this narrower scope, the search will begin immediately).

Dan
Daniel B. Davis
Jones, Walker, Waechter, Poitevent,
Carrère & Denègre, L.L.P.
8555 United Plaza Boulevard
Four United Plaza, Fifth Floor
Baton Rouge, Louisiana, 70809-7000
Telephone (b)(6)
Facsimile 225 248 3082
Email (b)(6)@joneswalker.com

mhtml:file://\hass8fvs01\AR-EM Share\RMDEOLA\Case EM - TEXAS POSTAL - ...

Mr. Davis,

Thanks for your patience!

(b)(6)

(b)(6)

b)(6)

Thanks,

Dan

Email: (b)(6)@joneswalker.com

Daniel B. Davis
Jones, Walker, Waechter, Poitevent.

Carrère & Denègre , L.L.P.
8555 United Plaza Boulevard
Four United Plaza, Fifth Floor
Baton Rouge, Louisiana 70809-7000
Telephone (b)(6)
Facsimile 225 248 3082
Email (b)(6) @joneswalker.com

This message contains information from the Jones Walker law firm which is directed to and intended for the use of the individual or entity named above. The information is confidential or privileged. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this message is prohibited. We have taken precautions to minimize the risk of transmitting software viruses, but we advise you to carry out your own virus checks on any attachment to this message. We cannot accept liability for any loss or damage caused by software viruses. If you have received this electronic message in error, please notify us immediately by telephone at (225) 248-2000. Thank you.

SUMMARY SHEET

Legacy Request 07-508

PURPOSE: To obtain signature of Second Interim Response to legacy case 07-508.

DISCUSSION: The complete response to Request 07-508 will require production of around 75,000 pages of e-mail messages. We sent the requester 1333 pages of those records in our First Interim Response (November 15, 2010) and in this Second Interim Response are supplying a further 1277 pages.

There are a substantial number of (b)(6) redactions in those materials: primarily persons' names, but some protected e-mail addresses and telephone numbers as well. There are a few (b)(5) redactions of pre-decisional discussions, draft document, and attorney-client communications.

(b)(5)

PROCESSING HISTORY:

09/07/2007 Request received
09/21/2007 Request acknowledged
02/25/2008 Requester provided list of names to narrow scope of search
Undated Post 11/18/2008: Requester advised of processing delay due to request backlog
11/15/2010 First Interim Response (1,333 pages)

01/11/2011 Second Interim Response (1,277 pages)

01/11/2011 Third Interim Response (1,333 pages)

01/11/2011 Fourth Interim Response (1,333 pages)

Cook, Connie

From: (b)(6)
Sent: Wednesday, August 08, 2012 1:52 PM
To: Cook, Connie
Attachments: Admin FOIA Internal Routing Slip.doc; DB Summary Sheet.docx; QA Checklist.docx

Hi Connie,

In an effort to move FEMA 07-508 along quickly, I spoke with OCC in regards to you forwarding this case directly them for review. Therefore, Alecia will not be in the loop on this case. Thanks so much for the quick turnaround on this.

(b)(5)

(b)(5)

Also, can you please provide an update on the letter for (b)(6) our deadline is Friday.

Thanks again

Monique

Monique R. Booker-Kasper
Acting Chief, Disclosure Branch
Records Management Division
Federal Emergency Management Agency
US Department of Homeland Security

(b)(6)

@dhs.gov

Office: (b)(6)

REVIEW CHECKLIST

Initial File Review:

- ☐ Responsive documents - compiled and OCR?
- ☐ Hyperlinks deactivated/removed?
- ☐ Do you have the requester's full address on the letter? (over 30 pages)
- ☐ Is the Routing Slip current?
- ☐ Do you have a submitter's notice for contracts?
- ☐ Do you have signed taskers/e-mails from the appropriate components?

Final Coordination Folder:

- ☐ Is the one page Summary Sheet stapled to inner left side of folder and contains the purpose, scope of the request, extraordinary issues and an exemption and fee analysis?
- ☐ Are the following sections tabbed (a) Request & Acknowledgment letter (b) Correspondence (c) Search/taskers; (if applicable) (d) Records (e) 1st/2nd Submitter Notices and Submitter Comments?
- ☐ Is the computer folder organized?

Outgoing Response Letters (Do not use old office letters)

- ☐ Requester is addressed as Mr., Ms., or Dr.?
- ☐ States are spelled out and not abbreviated.
- ☐ Requester's full address on the letter if responsive document are over 30 pages
- ☐ Responsive Documents less than 30 pages include **"SENT VIA E-MAIL TO: [INSERT THE E-MAIL ADDRESS HERE W/NO BRACES AROUND IT]"** bold and underlined three spaces below the FEMA logo.
- ☐ Do not include e-mail address in the requester's address block.
- ☐ Are all of the FEMA FOIA numbers bold i.e. **FEMA 11-000**?
- ☐ Are phone numbers listed properly as "(202) 646-3323"?
- ☐ Spell out single digit numbers, i.e., one through nine. 10 and up, do not spell out unless it starts a sentence. i.e. One hundred fifty-four (154) pages were located... Do not spell out large numbers within a sentence.
- ☐ Are citations listed properly? "Title 5 U.S.C. § 552(b)(6)" Do not split citation.
- ☐ Is the fee paragraph included? Citation included after paragraph.
- ☐ Have you reviewed redactions on responsive documents to ensure exemptions codes are accurate?
- ☐ Have you reviewed the final response letter for typos?
- ☐ Are all exemptions claimed identified on final response letter?
- ☐ Have you initialed and dated the routing sheet?

Post-Team Lead (TL)/Quality Assurance (QA) Review

- ☐ Have you initialed and/or replied to each comment identified by TL?
- ☐ Is the TL QA e-mail/corrected letter included in the folder?

Post OCC Review

- ☐ Have you competed all changes from OCC?
- ☐ Did you save the changes as a new document? i.e. 12-000 OCC Comments
- ☐ Have you redacted release documents and reviewed each redaction to ensure redactions are compliant?

Final Review

- ☐ Redacted final release documents are saved in final release folder?
- ☐ Remove all comment bubbles from the redacted final release documents

INTERNAL ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)		Initials	Date Rcvd	Date Cleared
1. Admin Specialist				
2. M. Booker-Kasper : Acting Disclosure Branch Chief				
3. (b)(6)			7/10/12	
4. A. Sillah: Team Lead				
5. : OCC				
6. : EA (for media, high visibility, Congressional & other external affairs issues)				
7. A. Sillah: Team Lead				
8. M. Booker-Kasper : Acting Disclosure Branch Chief :				

Action	File	Note and Return
Approval	For Review	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Info	Comment
Concurrence	Investigate	Signature
Coordination	Justify	Other (Note below)

REMARKS: Case # 12-336 Final Release

FROM: (Name, org, symbol, Agency/Post)

Location:

Phone Number:

(b)(6)

From: (b)(6)
Sent: Tuesday, March 06, 2012 3:11 PM
To: Cook, Connie
Subject: RE: Redaction Issue
Attachments: Pages from r_003-interim response DLeonard Part 3.pdf

(b)(5)

(b)(6)

Management Analyst - FOIA
Records Management Division
Mission Support Bureau
Federal Emergency Management Agency
Phone: (b)(6)
BB:
E-Mail: @dhs.gov

From: Cook, Connie
Sent: Tuesday, March 06, 2012 3:05 PM
To: (b)(6)
Subject: RE: Redaction Issue

We've had no past problems....Let's move it on....Thanks.

From: (b)(6)
Sent: Tuesday, March 06, 2012 3:02 PM
To: Cook, Connie
Subject: Redaction Issue

(b)(5)

(b)(6)

Management Analyst - FOIA
Records Management Division
Mission Support Bureau
Federal Emergency Management Agency
Phone: (b)(6)
BB:
E-Mail: @dhs.gov

Subject: RE: St. Bernard Parish Contractor Problem

Hey (b)(6) have you been able to get any info on this from GOSHEP? Thanks for your help with this!!

-----Original Message-----

From: (b)(6)
Sent: Monday, November 20, 2006 9:10 AM
To: (b)(6)
Subject: RE: St. Bernard Parish Contractor Problem

I will get some answers today. Have a good trip.

-----Original Message-----

From: (b)(6)
Sent: Friday, November 17, 2006 5:20 PM
To: (b)(6)
Subject: St. Bernard Parish Contractor Problem
Importance: High

(b)(6) I have (b)(6) with FEMA Intergovernmental Affairs researching this. He says St. Bernard decided to do its own demolition, which has resulted in many, many prob believe that no PW has been written yet. (b)(6) suggested that we contact (b)(6) or (b)(6) with GOSHEP and ask them to look into it as well while he is re his end. Please do this, and let me know what you're able to find out. I've attached my original email to Bob that gives more details about (b)(6) situation. I will have my PC and will be working it, girl! Thanks!

(b)(6)

-----Original Message-----

From: (b)(6) (mailto:(b)(6))
Sent: Friday, November 17, 2006 4:33 PM
To: (b)(6)
Cc: (b)(6) (b)(6) (b)(6)
Subject: RE: Request

That's the problem. There is no Project Worksheet written up for this yet and it has been 6 months. They have made a couple of attempts at it but have not gotten it right. Once the Project Worksheet is written correctly, it will still take a minimum of 4 months for us to get paid.

There is a contractor in St. Bernard tha prior to his Project Worksheet being written. He was paid (b)(4) and the PW was not in place. Our group of consultants only need approximately (b)(4) released in order to get back on track.

It was my understanding that the PW for our project was extremely close to being completed correctly. Since we were only half way through the project, it seems reasonable from there end to release money early. They can always make adjustments to invoices down the line since we still have a long way to go.

If your contact needs specific information regarding this, please have them call me on my cell and I will explain everything. If you need me, same thing, call me on my cell# below.

From: (b)(6)
To: (b)(6)
Subject: Re: NOLA Justice Taskforce
Date: Friday, January 12, 2007 3:24:13 PM

This should be an easy answer?

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Ormsby, Greg
To: (b)(6)
Sent: Fri Jan 12 15:03:05 2007
Subject: FW: NOLA Justice Taskforce

FYI.

From: (b)(6)
Sent: Friday, January 12, 2007 1:58 PM
To: (b)(6)
Cc: (b)(6)
Subject: FW: NOLA Justice Taskforce

Guys/Gals,

This came to (b)(6) attention in RVI. assume there was a meeting with just response. Not sure of the details but can you guys do the f run the answer through (b)(6) and (b)(6) before contacting This seems to be an eligible costs to me especially if it has sure of the specific details before we answer.

works directly for s concerning this. rk and find out since she works for identified in a PW bu

at GOHSEP. I would like a d t

Thanks, (b)(6)

From: (b)(6)
Sent: Friday, January 12, 2007 13:13
To: (b)(6)
Subject: NOLA Justice Taskforce

(b)(6)

(b)(6)

From: Cook, Connie
Sent: Tuesday, March 06, 2012 1:55 PM
To: (b)(6)
Subject: RE: 07-508

(b)(6)

B4 the #'s. thanks.

From: (b)(6)
Sent: Tuesday, March 06, 2012 11:30 AM
To: Cook, Connie
Subject: 07-508

(b)(5)

(b)(6)

Management Analyst - FOIA
Records Management Division
Mission Support Bureau
Federal Emergency Management Agency
Phone: (b)(6)
BB:
E-Mail: @dhs.gov

-----Original Message-----

From: (b)(6)

Sent: Friday, November 17, 2006 5:20 PM

To: (b)(6)

Subject: St. Bernard Parish Contractor Problem

Importance: High

(b)(6) I have (b)(6) with FEMA Intergovernmental Affairs researching this. He says St. Bernard decided to do its own demolition which has resulted in many, many problems. He also found it hard to believe that no PW has been written yet. (b)(6) suggested that we contact (b)(6) with GOSHEP and ask them to look into it as well while he is researching from his end. Please do this, and let me know what you're able to find out. I've attached my original email to (b)(6) that gives more details about (b)(6) situation. I will have my PC and will be working it, girl! Thanks!

(b)(6)

-----Original Message-----

From: (b)(6)

Sent: Friday, November 17, 2006 4:33 PM

To: (b)(6)

Cc: (b)(6)

Subject: RE: Request

That's the problem. There is no Project Worksheet written up for this yet and it has been 6 months. They have made a couple of attempts at it but have not gotten it right. Once the Project Worksheet is written correctly, it will still take a minimum of 4 months for us to get paid.

There is a contractor in St. Bernard that was paid prior to his Project Worksheet being written. He was paid \$135 million and the PW was not in place. Our group of consultants only need approximately \$20 million released in order to get back on track.

It was my understanding that the PW for our project was extremely close to being completed correctly. Since we were only half way through the project, it seems reasonable from there end to release money early. They can always make adjustments to invoices down the line since we still have a long way to go.

If your contact needs specific information regarding this, please have them call me on my cell and I will explain everything. If you need me, same thing call me on my cell# below.

Thanks for your help.

(b)(6)

President Principal Engineer
AIMS Group, Inc.
1421 Zenith Street
Metairie, LA 70001
Office: (504)887-7048
Fax: (504)887-7088

(b)(6)

From: Cook, Connie
Sent: Tuesday, January 24, 2012 12:56 PM
To: (b)(6)
Subject: FW: FOIA 07-508

(b)(6)

Please insert this copy in files and the previous one that I just sent. Thanks.

Connie
Connie R. Cook
Department of Homeland Security
Federal Emergency Management Agency
Mission Support Bureau
Records Management Division
(202) 212-5283
connie.cook@dhs.gov

From: Allgood, Pepper [mailto:(b)(6)@joneswalker.com]
Sent: Tuesday, January 24, 2012 10:36 AM
To: Cook, Connie
Subject: RE: FOIA 07-508

thanks

From: Cook, Connie [mailto:Connie.Cook@fema.dhs.gov]
Sent: Tuesday, January 24, 2012 8:05 AM
To: Allgood, Pepper
Subject: FW: FOIA 07-508

Good morning Mr. Allgood,

I simply wish to inform you that our office mailed a third interim response, dated January 23, to you. It contains 1,878 pages.

I shall continue to keep you informed.

Thank you.

Connie
Connie R. Cook
Department of Homeland Security
Federal Emergency Management Agency
Mission Support Bureau
Records Management Division
(202) 212-5283

connie.cook@dhs.gov

From: Cook, Connie
Sent: Tuesday, January 17, 2012 8:50 AM
To: 'Allgood, Pepper'
Subject: RE: FOIA 07-508

Good morning Mr. Allgood,

Admittedly, you have not heard from me in a while; however, we have not stopped working on your case. Due to B6 considerations (primarily), it is a tough task for everyone.

My last communication with you was a November 4, 2011 email in which I stated: "The 2nd interim response to your FOIA request was mailed yesterday, November 3. It consists of approximately 1,300 pages. I will continue to keep you informed."

I was planning to contact you this week to inform you that the 3rd interim release is scheduled to be mailed to you no later than Friday, January 20. It will consist of approximately 1,900 pages.

I will continue to keep you informed.

Respectfully,

Connie
Connie Cook
Department of Homeland Security
Federal Emergency Management Agency
Mission Support Bureau
Records Management Division
(202) 212-5283
connie.cook@dhs.gov

From: Allgood, Pepper [mailto:(b)(6)@joneswalker.com]
Sent: Friday, January 13, 2012 4:15 PM
To: 'Cook, Connie'
Subject: RE: FOIA 07-508

Ms. Cook:

Please review the email string below. When will we receive the documents?

Thank you

Pepper Allgood
Jones, Walker, Waechter,
Poitevent, Carrere & Denegre, L.L.P.
8555 United Plaza Blvd.
Baton Rouge, LA 70809
(b)(6) (voice)
225.248.3038 (fax)
(b)(6) @joneswalker.com

This transmission is intended only for the party(s) to whom it is addressed and may contain privileged or confidential information. If you are not the intended recipient, you are hereby notified that any use, dissemination, or copying of this transaction is prohibited. If you have received this in error, please notify us immediately by telephone and return this transmission and any copies to us by mail.

From: Allgood, Pepper
Sent: Friday, October 21, 2011 11:36 AM
To: 'Cook, Connie'
Subject: RE: FOIA 07-508

Dear Ms. Cook:

I have heard nothing further from you since our exchanges below. When will I receive my documents?

thank you

Pepper Allgood
Jones, Walker, Waechter,
Poitevent, Carrere & Denegre, L.L.P.
8555 United Plaza Blvd.
Baton Rouge, LA 70809
(b)(6) (voice)
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From: Allgood, Pepper
Sent: Friday, September 09, 2011 2:58 PM
To: 'Cook, Connie'
Subject: RE: FOIA 07-508

Dear Ms. Cook

Thank you for your email. You sound very nice and I presume you are sincere.

Neither my experience in the distant past nor my more recent dealings with FEMA give me encouragement. I have received promises for years now that FEMA was about to provide the information requested. Attached are some emails reflecting more recent developments.

On the 2nd interim release, attached is an email from Dr. Anthony Bennett saying I should get it about February 9 of this year.

Next is my email confirming that Dr. Bennett told me FEMA would send out the 2d interim around February 28, and that, on March 1, FEMA claimed to be on the verge of mailing the 3rd interim.

Next is confirmation that Dr. Bennett said in mid-March that the 2d and 3rd interims were about 2-3 weeks from completion.

In May, Mr. (b)(6) asked if I still wanted the information. When I asked that he confirm via email what he told me on the phone, FEMA stopped communicating to me about the request at all.

I realize that you are not responsible for the actions of your predecessors.

I would like to think that things will now change with your involvement.

Thank you for at least communicating.

Pepper Allgood
Jones, Walker, Waechter,
Poitevent, Carrere & Denegre, L.L.P.
8555 United Plaza Blvd.
Baton Rouge, LA 70809
(b)(6) (voice)
225.248.3038 (fax)
(b)(6) @joneswalker.com

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From: Cook, Connie [mailto:Connie.Cook@dhs.gov]
Sent: Friday, September 09, 2011 11:08 AM
To: Allgood, Pepper
Cc: (b)(6)
Subject: FW: FOIA 07-508

Good afternoon Mr. Allgood,

I am responding to your inquiry to (b)(6) regarding the status of FOIA Request 07-508.

I hope that these words don't sound empty and meaningless, at this point—in an undeniably and regrettably long process, involving our efforts to respond to your FOIA request.

Please permit me to thank you for your level of patience, to assure you that your case (now assigned to my team) is a priority, and to genuinely apologize for such a lengthy, lengthy delay.

(b)(6)



Please do not restrict your search to the body of the emails, but also search the subject lines, to/from lines, etc.

I understand that once a response is forthcoming, my client will then have the option to (1) abandon any further search, (2) modify the request further, or (3) proceed with the original FOIA request without losing its place in the queue. Narrowing the request is intended to expedite this process, and I understand that it will not result in the request losing its place in the queue. (In fact, my impression is that once we agree to this narrower scope, the search will begin immediately).

I truly appreciate your personal attention to this matter. Please do not hesitate to call me if any of this needs to be clarified or modified.

Dan

Daniel B. Davis

Jones, Walker, Waechter, Poitevent,

Carrère & Denègre, L.L.P.

8555 United Plaza Boulevard

Four United Plaza, Fifth Floor

Baton Rouge, Louisiana 70809-7000

Telephone (b)(6)

Facsimile 225 248 3082

Email (b)(6)@joneswalker.com

This message contains information from the Jones Walker law firm which is directed to and intended for the use of the individual or entity named above. The information is confidential or privileged. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this message is prohibited. We have taken precautions to minimize the risk of transmitting software viruses, but we advise you to carry out your own virus checks on any attachment to this message. We cannot accept liability for any loss or damage caused by software viruses. If you have received this electronic message in error, please notify us immediately by telephone at (225) 248-2000. Thank you.

Thanks

Pepper Allgood
Jones, Walker, Waechter,
Poitevent, Carrere & Denegre, L.L.P.
8555 United Plaza Blvd.
Baton Rouge, LA 70809
(b)(6) (voice)
225.248.3038 (fax)
(b)(6) @joneswalker.com

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From: Davis, Daniel
Sent: Monday, February 25, 2008 4:26 PM
To: (b)(6)
Cc: Allgood, Pepper
Subject: RE: FOIA 07-508--status

(b)(6)

Thanks for your update on FOIA 07-508. I have reviewed the correspondence on this file, and I want to make a point of clarification. I submitted FOIA request 07-508 on behalf of my client, Unified Recovery Group, LLC ("URG"). I am URG's attorney handling this matter. I have consulted with URG about the possibility of narrowing the scope of this request, perhaps by providing you with search terms that could pinpoint specific emails. I provided a similar set of search terms to (b)(6) at her suggestion, in connection with URG's FOIA request no. 07-073. URG is willing to provide the following revised scope:

Provide any and all emails sent to or received from (or copied/forwarded/cc'ed to or from) the email addresses identified in the original FOIA request (07-508) that contain any of the following terms:

(b)(6)

From: (b)(6) [redacted]@dhs.gov]
Sent: Tuesday, February 12, 2008 5:01 PM
To: Davis, Daniel
Subject: FW: FOIA 07-508--status

Mr. Davis,
These files were returned to the FEMA FOIA Office for continued processing.
Please indicate how you would like to narrow the scope of your request and hopefully we can expedite the processing.
Thanks for your patience!

(b)(6) [redacted]
Disclosure Officer
Records Management Division
Office of Management
Federal Emergency Management Agency
Phone (b)(6) [redacted]

From: Davis, Daniel [mailto:(b)(6)@joneswalker.com]
Sent: Monday, February 11, 2008 11:51 AM
To: (b)(6) [redacted]
Cc: Allgood, Pepper
Subject: FOIA 07-508
(b)(6) [redacted]

As I told you on Friday, I submitted a FOIA request on August 29, 2007 asking for emails sent to or from Mr. Donald Schriber during a specified period of time. I listed 3 addresses he may have used during that time. On September 21, 2007 I got a letter from (b)(5) [redacted] notifying me that FEMA needed 10 more days. I never heard anything after that.

I would appreciate a chance to discuss that request when you have a moment. I could very easily provide you with a list of keywords for a search that could narrow the request, if that would speed things up. (Similar to the way we have proceeded with my other FOIA request.)

Thanks,

Dan

Daniel B. Davis
Jones, Walker, Waechter, Poitevent,
Carrère & Denègre, L.L.P.
8555 United Plaza Boulevard
Four United Plaza, Fifth Floor
Baton Rouge, Louisiana 70809-7000
Telephone (b)(6) [redacted]
Facsimile 225 248 3082
Email (b)(6) [redacted]@joneswalker.com

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Daniel B. Davis
Jones, Walker, Waechter, Poitevent,

Carrère & Denègre , L.L.P.
8555 United Plaza Boulevard
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Baton Rouge, Louisiana 70809-7000
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By

CBS News Investigates

In the wake of CBS News' exclusive report of widespread problems in FEMA's New Orleans recovery office for Hurricane Katrina, FEMA has announced complete reorganization of the recovery operations.

FEMA announced today that they are eliminating the Gulf Coast Recovery Office. The move comes six weeks after an exclusive **CBS News** Investigation revealed the office was so poorly managed that Katrina recovery may have been slowed.

With the shut down of the Gulf Coast Recovery Office, the assistant administrator James Stark, will likely be reassigned within FEMA. FEMA will also be eliminating the chief of staff position, a job previously held by Doug Whitmer.

FEMA's decision comes after the then acting head of the agency, Nancy Ward, went to the New Orleans Office the day after the **CBS News** report to perform a "climate assessment." At that time, Chief of Staff Doug Whitmer was temporarily reassigned to a FEMA post in Texas.

In a statement, FEMA confirmed the decision to eliminate the Gulf Coast Recovery Office calling it "realignment" and said it is meant to streamline their recovery process.

"Dissolving the Gulf Coast Recovery Office at this time and moving those operations to the Louisiana Transitional Recovery Office will lead to faster decision making and improve efficiency in recovery operations."

Representative Anh "Joseph" Cao of Louisiana expressed relief at the decision calling it a "welcome change" and that it was "good news" for the recovery effort in the region, in a statement released today.

"I am pleased to report that DHS is closing the GCRO and effectively removing the middle men responsible for the slow down."

Cao also pointed to allegations of misconduct and "cronyism" at the Gulf Coast Recovery Office as well as the Congressional hearing where he questioned Stark.

"While today's announcement may not be directly related to these ongoing investigations, closing the GCRO was right decision and will make the recovery process in Louisiana more transparent."

In the exclusive **CBS News** report, more than a dozen current and former FEMA employees detailed a so-called "toxic bureaucracy" inside the New Orleans office responsible for Hurricane Katrina recovery efforts. Employees detailed a hostile work environment which they claimed was created by Whitmer but also tolerated by his boss, Stark.

By Elizabeth Sprague and Michael Rey
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FROM AROUND THE WEB

- What am I paying for in the price of a gallon of gasoline? (*ExxonMobil's Perspectives*)
- The 12 Worst Supermarkets in America (*The Fiscal Times*)
- Expert Warns U.S. Economy May Fall Into A "Death Spiral" (*Money Morning*)
- 10 Cheapest U.S. Cities to Live in (*Kiplinger*)
- BYOD Isn't Perfect, But Users Love It (*TechNet Blog*)
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FEMA

APR 18 2012

Mr. Davis B. "Pepper" Allgood
Jones, Walker, Waechter,
Poitevent, Carrère & Denègre L.L.P.
8555 United Plaza Boulevard
Baton Rouge, Louisiana 70809-7000

Re: FEMA 07-508

Dear Mr. Allgood:

This is the fourth interim response to your August 29, 2007, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). Originally, you were requesting copies of any and all emails sent either to or from the following email addresses between August 25, 2005 and August 28, 2007:

[REDACTED] (b)(6)
This office received your request on September 7, 2007.

On February 25, 2008, you narrowed the scope of your FOIA request by providing the following search terms:

[REDACTED] (b)(6)

We have completed the review of the next subset of the responsive documents retrieved from the records of the Information Technology Division, consisting of 1,346 pages. Of those pages, I have determined that 600 pages of the records are releasable in their entirety, 725 pages are partially releasable, and 21 pages are withheld in their entirety pursuant to Title 5 U.S.C. § 552(b)(2), (b)(4), (b)(5) and (6).

FOIA Exemption 2 relates to the internal personnel rules and practices of an agency and protects information applicable to internal administrative and personnel matters, such as operating rules, guidelines, and manuals of procedures of examiners or adjudicators.

FOIA Exemption 4 protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. The courts have held that this subsection protects (a) confidential commercial information, the disclosure of which is likely to cause substantial harm to the competitive position of the person who submitted the information and (b) information that was voluntarily submitted to the government if it is the kind of information that the provider would not customarily make available to the public.

Mr. Davis B. "Pepper" Allgood
FEMA 07-508

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, I determined that portions of the responsive documents qualify for protection under the following privilege(s):

- **Deliberative Process Privilege**

The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

- **Attorney-Client Privilege**

The attorney-client privilege protects confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional advice. It applies to facts divulged by a client to his attorney, and encompasses any opinions given by an attorney to his client based upon, and thus reflecting, those facts, as well as communications between attorneys that reflect client-supplied information. The attorney-client privilege is not limited to the context of litigation.

FOIA Exemption 6 protects information about individuals in personnel, medical, and similar files when its disclosure would constitute a clearly unwarranted invasion of personal privacy. Application of this exemption requires a balancing of the public interest in disclosure against a viable privacy interest of the subject of the information. In this case, the privacy interests of the individuals who would be affected by disclosure of the information outweigh any minimal public interest in its release. Any private interest you may have in that information does not factor into the aforementioned balancing test.

We will continue to process the remainder of the documents responsive to your request providing interim releases until all responsive documents have been processed.

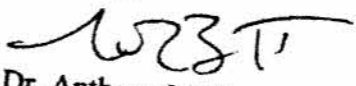
You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Mr. Davis B. "Pepper" Allgood
FEMA 07-508

We sincerely apologize for the delay in responding to your request and regret any inconvenience it may have caused. Accordingly, although we are authorized to recover part of the costs incurred in responding to FOIA requests, we are waiving the fees that would otherwise be associated with your request.

If you have any questions or would like to discuss this matter, please contact Ms. Connie Cook at (b)(6) or electronically at (b)(6)@dhs.gov.

Sincerely,


Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: Responsive Documents on one CD, 1,346 pages



FEMA

JAN 23 2012

Mr. Pepper Allgood
Jones, Walker, Waechter,
Poitevent, Carrère & Denègre L.L.P.
8555 United Plaza Boulevard
Baton Rouge, Louisiana 70809-7000

Re: **FOIA 07-508**

Dear Mr. Allgood:

This is the third interim response to your August 29, 2007, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA). This office received your request on August 22, 2007. On February 25, 2008, you narrowed the scope of your FOIA request by providing the following search terms:

(b)(6)

We conducted a records search of the Information Technology Division for documents responsive to your request. We have reviewed a total of one thousand, eight hundred and seventy eight, (1,878) pages for the third interim release. Of those pages, we have determined that one thousand, eight hundred and seventy eight (1,878) pages are partially releasable pursuant to Title 5 U.S.C. § 552 (b)(4), (b)(5), and (b)(6).

FOIA Exemption 4 protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. The courts have held that this subsection protects (a) confidential commercial information, the disclosure of which is likely to cause substantial harm to the competitive position of the person who submitted the information and (b) information that was voluntarily submitted to the government if it is the kind of information that the provider would not customarily make available to the public.

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, I determined that portions of the responsive documents qualify for protection under the following privilege(s):

- **Deliberative Process Privilege**

The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency

memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

- **Attorney Work-Product Privilege**

The attorney work-product privilege protects documents and other memoranda prepared by an attorney in contemplation of litigation.

- **Attorney-Client Privilege**

The attorney-client privilege protects confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional advice. It applies to facts divulged by a client to his attorney, and encompasses any opinions given by an attorney to his client based upon, and thus reflecting, those facts, as well as communications between attorneys that reflect client-supplied information. The attorney-client privilege is not limited to the context of litigation.

- **Government's Commercial Data Privilege**

The Government's commercial data privilege protects various government cost estimates. Release would not only cause harm to the government's decision-making process, it would also provide a contractor with insight into the government's price negotiation position. This would place the government at a disadvantage in their efforts to obtain fair and reasonable prices in the future.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

During our review and processing of this interim response, we encountered error codes that indicated data corruption and image recognition issues. The genesis of the data corruption and image recognition issues could not be definitively determined or resolved; without delaying a response to you. The pages that were identified as being related to the issues were removed from their sequence, reimaged and placed at the end of this document set. If you would like these documents delivered to you in their original sequences, we can provide them to you, however that effort may delay your next interim response.

We will continue to process the remainder of the documents responsive to your request and will continue to make interim releases until all responsive documents have been processed.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. As a courtesy, FEMA will not charge the fees incurred in the processing of this request.

If you have any questions or would like to discuss this matter, please contact Ms. Connie Cook at (b)(6) or electronically at (b)(6)@dhs.gov.

Sincerely,



Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: Responsive Documents on one CD, 1,878 pages



FEMA

Mr. Davis B. "Pepper" Allgood
Jones, Walker, Waechter,
Poitevent, Carrère & Denègre L.L.P.
8555 United Plaza Boulevard
Baton Rouge, Louisiana 70809-7000

NOV 03 2011

Re: FOIA 07-508

Dear Mr. Allgood:

This is the second interim response to your August 29, 2007, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA). This office received your request on September 7, 200. On February 25, 2008, you narrowed the scope of your FOIA request by providing the following search terms:

(b)(6)

The records of the Information Technology Division were searched for documents responsive to your request, and we have reviewed a subset of the documents located during that search for purposes of this second interim response. As a result of that review, we have identified 1,277 pages of the documents that are releasable in whole or in part pursuant to 5 U.S.C. §§ 552(b)(5) and (6).

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. Our review of the responsive documents has revealed that certain portions of them qualify for protection under the deliberative process and attorney-client privileges.

The deliberative process privilege protects the integrity of the Agency's deliberative and decision-making processes by exempting from mandatory disclosure opinions, conclusions, and recommendations contained in pre-decisional inter-agency or intra-agency communications. Releasing such internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

The attorney-client privilege protects confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional advice. It applies to facts divulged by a client to his attorney, and encompasses any opinions given by an attorney to his client based upon, and thus reflecting, those facts, as well as communications between attorneys that

reflect client-supplied information. The attorney-client privilege is not limited to the context of litigation.

FOIA Exemption 6 protects information about individuals in personnel, medical, and similar files when its disclosure would constitute a clearly unwarranted invasion of personal privacy. Application of this exemption requires a balancing of the public interest in disclosure against a viable privacy interest of the subject of the information. In this case, the privacy interests of the individuals who would be affected by disclosure of the information outweigh any minimal public interest in its release. Any private interest you may have in that information does not factor into the aforementioned balancing test.

These documents are in addition to the 1,305 pages provided in our November 15, 2010, first interim response to your request.

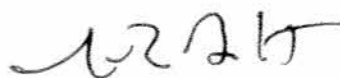
We will continue to process the remainder of the documents responsive to your request, making interim releases until all responsive documents have been processed.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

We sincerely apologize for the delay in responding to your request and regret any inconvenience it may have caused. Accordingly, although we are authorized to recover part of the costs incurred in responding to FOIA requests, we are waiving the fees that would otherwise be associated with your request.

If you have any questions or would like to discuss this matter, please contact Ms. Connie Cook at (b)(6) or electronically at (b)(6)@dhs.gov.

Sincerely,



Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: One CD containing approximately 1,277 pages of responsive documents

NOV 15 2010



FEMA

Mr. Daniel B. Davis
Jones, Walker, Waechter,
Poitevent, Carrère & Denègre L.L.P.
8555 United Plaza Boulevard
Four United Plaza, Fifth Floor
Baton Rouge, Louisiana 70809-7000

Re: **FOIA 07-508**

Dear Mr. Davis:

This is the first interim response to your August 29, 2007, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). This office received your request on August 22, 2007. On February 25, 2008, you clarified your FOIA request in an effort to narrow the scope by providing the following search terms:

(b)(6)

A search of the Information Technology Division for documents responsive to your request produced a total of one thousand, three hundred and thirty three, (1,333) pages. Of those pages, we have determined that one thousand, one hundred and twenty (1,120) pages are partially releasable pursuant to Title 5 U.S.C. § 552 (b)(2) high, (b)(5), and (b)(6), five pages are being referred to the U.S. Army Corps of Engineers, and two hundred and eight (208) pages are withheld in their entirety pursuant to Title 5 U.S.C 552 (b)(6).

FOIA Exemption 2(high) protects information applicable to internal administrative and personnel matters, such as operating rules, guidelines, and manuals of procedures of examiners or adjudicators, to the extent that disclosure would risk circumvention of an agency regulation or statute, impede the effectiveness of an agency's activities, or reveal sensitive information that may put the security and safety of an agency activity or employee at risk. Whether there is any public interest in disclosure is legally irrelevant. Rather, the concern under high 2 is that a FOIA disclosure should not benefit those attempting to violate the law and avoid detection.

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, it has been determined that portions of the responsive documents qualify for protection under the following privilege(s):

- **Deliberative Process Privilege**

The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

We will continue to process the remainder of the documents responsive to your request and will continue to make interim releases until all responsive documents have been processed.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

FOIA 07-508

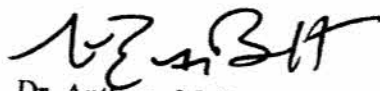
Mr. Daniel B. Davis

3

Provisions of the FOIA allow us to recover part of the cost of complying with your request. As a courtesy, FEMA will not charge the fees incurred in the processing of this request.

If you need to contact our office about this matter, please refer to **FEMA 07-508**. This office can be reached at (202) 646-3323 or by e-mail at FEMA-FOIA@dhs.gov.

Sincerely,



Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure(s): Responsive Documents, 2 CD's, 1,120 pages

INTERNAL ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)

	Initials	Date Rcvd	Date Cleared
1. : Admin Specialist			
2. Dr. Anthony M. Bennett: Disclosure Branch Chief			
3. (b)(6)	(b)(6)	11/03/2010	11/12/2010
4. : Team Lead			
5. : OCC			
6. Dr. Anthony M. Bennett: Disclosure Branch Chief	1-3	11/12/2010	11/15/2010
FEMA FOIA # 07-508			

Action	File	Note and Return
Approval	For Review	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Info	Comment
Concurrence	Investigate	Signature
Coordination	Justify	Other (Note below)

REMARKS:

This is the first interim FOIA release regarding FEMA FOIA 07-508.

FROM: (Name, org. symbol, Agency/Post)

(b)(6)

Location: (b)(6)

Phone Number: (b)(6)

ROUTING AND TRANSMITTAL SLIP

TO: (Name, Office Symbol, Room Number, Building, Agency/Post)

DATE:

Initials

Date

1. (b)(6) Senior FOIA Specialist, Disclosure Branch, Records Management Division (b)(6)
2. Janice Kazmier, Attorney, Office of Chief Counsel
3. Dr. Lesia M. Banks, Records Management Director
- 4.

JLK
concur

10/13/10
7/22/10

ve
10

			File		Note and Return
4	Approval	1	For Review		Per Conversation
	As Requested		For Correction		Prepare Reply
	Circulate	3	For Your Info		Comment
2	Concurrence		Investigate		Signature
	Coordination		Justify		Other (Note below)

REMARKS: FOIA Case 07-508

FROM:

(b)(6)

Room #

(b)(6)

Phone #

*Addendum to the Summary Sheet

FEMA FOIA # 07-508 consists of approximately 74,093 pages. This is the first interim release, consisting of 1,120 pages, 5 pages are being referred to the U.S. Army Corps of Engineers, and 208 pages were withheld in their entirety. FEMA FOIA Analysts (b)(6) (former) and (b)(6) have been in constant contact with Mr. Pepper Allgood regard the FOIA status.

Requester: Mr. Daniel B. Davis, August 29, 2007 (received September 7, 2007)
Jones, Walker, Waichter, Poitevent, Carrere & Denegre L. L. P.
8555 United Plaza Boulevard
Baton Rouge, Louisiana 70809-7000

FOIA requested information – August 22, 2007, clarification in an effort to narrow the scope of the request.

NOTE: The documents located within interim one was processed based upon the guidance provided during the time of the FOIA processing review. .

Information requested:

Thanks for your update on FOIA 07-508. I have reviewed the correspondence on this file, and I want to make a point of clarification. I submitted FOIA request 07-508 on behalf of my client, Unified Recovery Group, LLC ("URG"). I am URG's attorney handling this matter. I have consulted with URG about the possibility of narrowing the scope of this request, perhaps by providing you with search terms that could pinpoint specific emails. I provided a similar set of search terms to Ms. Papoi, at her suggestion, in connection with URG's FOIA request no. 07-073. URG is willing to provide the following revised scope:

Provide any and all emails sent to or received from (or copied/forwarded/cc'ed to or from) the email addresses identified in the original FOIA request (07-508) that contain any of the following terms:

a.

(b)(6)

(b)(6)

Please do not restrict your search to the body of the emails, but also search the subject lines, to/from lines, etc.

Correspondence: Attached is the first interim release letter and two CDs, consisting of 1,120 pages.

*Please review the attached (original) summary sheet for additional information, also, additional researched documents are located in the e-file. Thanks.

(b)(6)

Date: November 15, 2010

SUMMARY SHEET

PURPOSE: To obtain the approval and signature on the final response to Freedom of Information Act (FOIA) case **07-508**.

DISCUSSION: On August 29, 2007, Daniel Davis submitted a Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). On February 25, 2008, the scope of the request was narrowed to include the following

(b)(6)

This is the first interim release in response to this request. Of note, there are 1120 pages being released, with five pages referred to another government agency (U.S. Army Corps of Engineers), and 208 pages being withheld in its entirety. There will be additional releases made where there may be additional referrals to the U.S Army Corps of Engineers in which a final transfer memo will be prepared for signature for these documents.

POINT OF CONTACT:

(b)(6)

COORDINATION:

Dr. Lesia M. Banks, Records Management Division
Office of Records Management

Date

(b)(6)

Date

10/13/10

* Who concurred on its release.

Case # 07-508

Referral to USACE

First Interim, Part 2,
Pages 125-129



FEMA

Daniel B. Davis
Jones, Walker, Wechter
8555 United Plaza Boulevard
Baton Rouge, LA 70809-7000

Re: FOIA 07-508


Dear Mr. Davis:

This letter is a follow-up to the telephone conversation of November 18, 2008 pertaining to your Freedom of Information Act (FOIA) request to the Federal Emergency Management Agency (FEMA). As you discussed with a member of my staff, due to the increasing number of FOIA requests received by the FEMA Disclosure Office, we have encountered some delay in completing the processing of your request. We sincerely apologize for this delay and any inconvenience it may have caused. However, we want to advise you that we are making earnest and diligent efforts to reduce the backlog of FOIA cases, and specifically your FOIA case is in the process of being reviewed.

If you have any questions or would like to discuss this matter further, please feel free to contact this office at (202) 646-3323.

Sincerely,

(b)(6)

 Alisa T. Henderson
Chief, Disclosure Office
Office of Records Management
Management Directorate

From: (b)(6)
 Sent: Tuesday, May 11, 2010 6:50 AM
 To: (b)(6)
 Cc: (b)(6)
 Subject: FW: RE: FOIA 07-508--status

Importance: High

Good Morning (b)(6)

Mr. Allgood gave us the search terms (below) back in 2008. We should be able to narrow the responsive documents significantly with these terms. Let me know how that works and see if we are able to do the interim release or a final response (hopefully).

thks

(b)(6)
 Senior FOIA Specialist
 Disclosure Branch
 Records Management Division

From: (b)(6)
 Sent: Monday, May 10, 2010 2:21 PM
 To: (b)(6)
 Subject: FW: RE: FOIA 07-508--status

(b)(6)

Please see the attached for search terms given to Alisa in 2008 in an effort to reduce the search.

(b)(6)
 Supervisory Program Analyst
 Management Directorate
 Office of Records Management
 Disclosure Office/ Records Mgt.
 DHS/FEMA
 office (b)(6)
 fax 504-762-2893
 cell (b)(6)
 (b)(6)@dhs.gov

From: Allgood, Pepper [mailto:(b)(6)@joneswalker.com]
 Sent: Thursday, May 06, 2010 6:18 PM
 To: (b)(6)
 Subject: FW: RE: FOIA 07-508--status

(b)(6)

I do hope the people conducting the search on our old FOIA 07-508 recall that it was limited to certain search terms pursuant to the email below.

Could you please check on this?

Thanks

Pepper Allgood
 Jones, Walker, Waechter,
 Poitevent, Carrere & Denegre, L.L.P.
 8555 United Plaza Blvd.
 Baton Rouge, LA 70809
 (b)(6) (voice)
 225.248.3038 (fax)
 (b)(6)@joneswalker.com

This transmission is intended only for the party(s) to whom it is addressed and may contain privileged or confidential information. If you are not the intended recipient, you are hereby notified that any use, dissemination, or copying of this transaction is prohibited. If you have received this in error, please notify us immediately by telephone and return this transmission and any copies to us by mail.

From: Davis, Daniel
Sent: Monday, February 25, 2008 4:26 PM
To: (b)(6)
Cc: Allgood, Pepper
Subject: RE: FOIA 07-508--status

(b)(6)

Thanks for your update on FOIA 07-508. I have reviewed the correspondence on this file, and I want to make a point of clarification. I submitted FOIA request 07-508 on behalf of my client, Unified Recovery Group, LLC ("URG"). I am URG's attorney handling this matter. I have consulted with URG about the possibility of narrowing the scope of this request, perhaps by providing you with search terms that could pinpoint specific emails. I provided a similar set of search terms to (b)(6) at her suggestion, in connection with URG's FOIA request no. 07-073. URG is willing to provide the following revised scope:

Provide any and all emails sent to or received from (or copied/forwarded/cc'ed to or from) the email addresses identified in the original FOIA request (07-508) that contain any of the following terms:

(b)(6)

(b)(6)

Please do not restrict your search to the body of the emails, but also search the subject lines, to/from lines, etc.

I understand that once a response is forthcoming, my client will then have the option to (1) abandon any further search, (2) modify the request further, or (3) proceed with the original FOIA request without losing its place in the queue. Narrowing the request is intended to expedite this process, and I understand that it will not result in the request losing its place in the queue. (In fact, my impression is that once we agree to this narrower scope, the search will begin immediately).

I truly appreciate your personal attention to this matter. Please do not hesitate to call me if any of this needs to be clarified or modified.

Dan

Daniel B. Davis
Jones, Walker, Waechter, Poitevent,
Carrère & Denègre, L.L.P.
8555 United Plaza Boulevard
Four United Plaza, Fifth Floor
Baton Rouge, Louisiana 70809-7000
Telephone (b)(6)
Facsimile 225 248 3082

Email (b)(6)@joneswalker.com

This message contains information from the Jones Walker law firm which is directed to and intended for the use of the individual or entity named above. The information is confidential or privileged. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this message is prohibited. We have taken precautions to minimize the risk of transmitting software viruses, but we advise you to carry out your own virus checks on any attachment to this message. We cannot accept liability for any loss or damage caused by software viruses. If you have received this electronic message in error, please notify us immediately by telephone at (225) 248-2000. Thank you.

From: [REDACTED] (b)(6) [REDACTED]@dhs.gov]
Sent: Tuesday, February 12, 2008 5:01 PM
To: Davis, Daniel
Subject: FW: FOIA 07-508--status

Mr. Davis,

These files were returned to the FEMA FOIA Office for continued processing.
 Please indicate how you would like to narrow the scope of your request and hopefully we can expedite the processing.

Thanks for your patience!

[REDACTED] (b)(6)

Disclosure Officer

Records Management Division

Office of Management

Federal Emergency Management Agency

Phone: [REDACTED] (b)(6)

From: Davis, Daniel [mailto:[REDACTED] (b)(6)]@joneswalker.com]
Sent: Monday, February 11, 2008 11:51 AM

To: [REDACTED] (b)(6)

Cc: Allgood, Pepper

Subject: FOIA 07-508

[REDACTED] (b)(6)

As I told you on Friday, I submitted a FOIA request on August 29, 2007 asking for emails sent to or from Mr. [REDACTED] (b)(6) during a specified period of time. I listed 3 addresses he may have used during that time. On September 21, 2007 I got a letter from John Sharets-Sullivan notifying me that FEMA needed 10 more days. I never heard anything after that.

I would appreciate a chance to discuss that request when you have a moment. I could very easily provide you with a list of keywords for a search that could narrow the request, if that would speed things up. (Similar to the way we have proceeded with my other FOIA request.)

Thanks,

Dan

Daniel B. Davis

Jones, Walker, Waechter, Poitevent,

Carrère & Denègre, L.L.P.

8555 United Plaza Boulevard

Four United Plaza, Fifth Floor

Baton Rouge, Louisiana 70809-7000

Telephone [REDACTED] (b)(6)

Facsimile 225 248 3082

Email [REDACTED] (b)(6)]@joneswalker.com

This message contains information from the Jones Walker law firm which is directed to and intended for the use of the individual or entity named above. The information is confidential or privileged. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this message is prohibited. We have taken precautions to minimize the risk of transmitting software viruses, but we advise you to carry out your own virus checks on any attachment to this message. We cannot accept liability for any loss or damage caused by software viruses. If you have received this electronic message in error, please notify us immediately by telephone at (225) 248-2000. Thank you.

Daniel B. Davis

Jones, Walker, Waechter, Poitevent,

Telephone (b)(6)

(b)(6)@joneswalker.com



FEMA

September 21, 2007

Mr. Daniel B. Davis
Jones Walker
8555 United Plaza Boulevard
Baton Rouge, Louisiana 70809-7000

Re: Freedom of Information Act Request
FOIA Case No.: 07-508

Dear Mr. Davis:

This acknowledges receipt of your August 29, 2007, Freedom of Information Act (FOIA) request to the Federal Emergency Management Agency (FEMA), for copies of correspondence from [REDACTED] (b)(6)

[REDACTED] on or between August 25, 2005 and August 28, 2007.
Your request was received in this office on August 22, 2007.

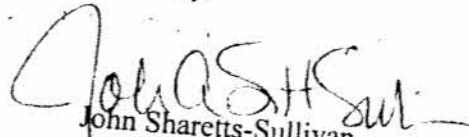
Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, the Department processes FOIA requests according to their order of receipt. Although DHS' goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10-day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, DHS will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you care to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner; however, there are currently 340 open requests ahead of yours.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to commercial requestors; i.e., you will be charged 10-cents per page for duplication and for search and review time at the per quarter-hour rate (\$4.00, \$7.00, \$10.25) of the searcher and reviewer. We will construe the submission of your request as an agreement to pay up to \$25.00. You will be contacted before any further fees are accrued.

We have queried the appropriate component of FEMA for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number 07-508. Please refer to this identifier in any future correspondence. You may contact this office at (b)(6)

Sincerely,



John Sharets-Sullivan
Director, Office of Records Management

07-508

JONES WALKER

Daniel Davis
Direct Dial (b)(6)
Direct Fax 225-248-3082
(b)(6)@joneswalker.com

August 29, 2007

(b)(6) FOIA Officer
Federal Emergency Management Agency
500 C Street, S.W., Room 840
Washington, D.C. 20472

RECEIVED

SEP 17 2007

FEMA OGC

Re: Freedom of Information Act Request

Dear Madam:

Please allow this letter to serve as a request for information made pursuant to the Freedom of Information Act, 5 U.S.C. §552. I request that you provide copies of the following documents to me:

1. **Any and all emails sent either to or from the following email addresses between August 25, 2005 and August 28, 2007**

- (b)(6)
-
-

We will be happy to reimburse you for any search and review costs as well as any copying costs, if you will forward a statement along with the requested documents. Please do not hesitate to call me if you have any questions.

Sincerely,



Daniel B. Davis

Requested Information (Please see the attached original request letter, dated August 29, 2007:

August 29, 2007 the requester wrote: I want to make a point of clarification. I submitted FOIA request 07-508 on behalf of my client, **Unified Recovery Group, LLC ("URG")**. I am URG's attorney handling this matter. I have consulted with URG about the possibility of narrowing the scope of this request, perhaps by providing you with search terms that could pinpoint specific emails. I provided a similar set of search terms to (b)(6) at her suggestion, in connection with URG's FOIA request no. 07-073. URG is willing to provide the following revised scope:

Provide any and all emails sent to or received from (or copied/forwarded/cc'ed to or from) the email addresses identified in the original FOIA request (07-508) that contain any of the following terms:

(b)(6)



(b)(6)



Please do not restrict your search to the body of the emails, but also search the subject lines, to/from lines, etc.

07-508

**JONES
WALKER**

Daniel Davis
Direct Dial (b)(6)
Direct Fax 225-248-3082
info@joneswalker.com

August 29, 2007

(b)(6) FOIA Officer
Federal Emergency Management Agency
500 C Street, S.W., Room 840
Washington, D.C. 20472

RECEIVED

SEP 07 2007

FEMA OGC

Re: Freedom of Information Act Request

Dear Madam:

Please allow this letter to serve as a request for information made pursuant to the Freedom of Information Act, 5 U.S.C. §552. I request that you provide copies of the following documents to me:

1. Any and all emails sent either to or from the following email addresses between August 25, 2005 and August 28, 2007

- (b)(6)
-
-

We will be happy to reimburse you for any search and review costs as well as any copying costs, if you will forward a statement along with the requested documents. Please do not hesitate to call me if you have any questions.

Sincerely,



Daniel B. Davis

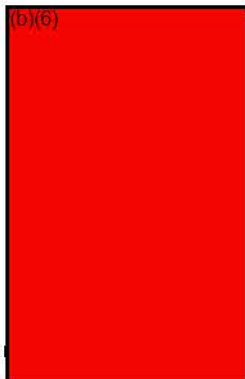
JONES, WALKER, WAECHTER, POITEVENT, CARRERE & DENEGRE L.L.P.
8555 UNITED PLAZA BOULEVARD BATON ROUGE, LOUISIANA 70809-7000 225-248-2000 FAX 225-248-2010 E-MAIL info@joneswalker.com www.joneswalker.com
(B0462759.1) BATON ROUGE HOUSTON LAFAYETTE MIAMI NEW ORLEANS WASHINGTON, D.C.

Requested Information (Please see the attached original request letter, dated August 29, 2007:

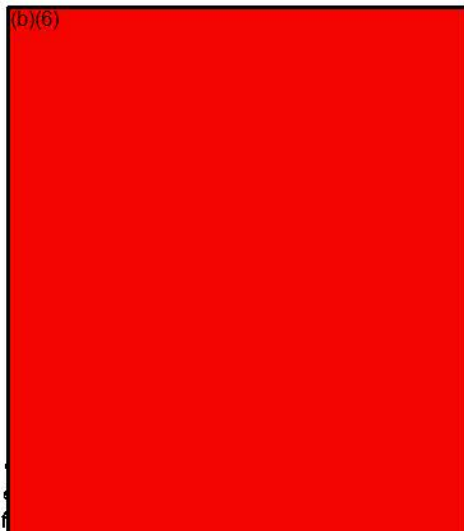
August 29, 2007 the requester wrote: I want to make a point of clarification. I submitted FOIA request 07-508 on behalf of my client, **Unified Recovery Group, LLC ("URG")**. I am URG's attorney handling this matter. I have consulted with URG about the possibility of narrowing the scope of this request, perhaps by providing you with search terms that could pinpoint specific emails. I provided a similar set of search terms to (b)(6) at her suggestion, in connection with URG's FOIA request no. 07-073. URG is willing to provide the following revised scope:

Provide any and all emails sent to or received from (or copied/forwarded/cc'ed to or from) the email addresses identified in the original FOIA request (07-508) that contain any of the following terms:

(b)(6)

A large rectangular area of the document is completely redacted, indicated by a solid black box.

(b)(6)

A large rectangular area of the document is completely redacted, indicated by a solid black box.

Please do not restrict your search to the body of the emails, but also search the subject lines, to/from lines, etc.

(b)(5)

07-508

? 002 COMM

**JONES
WALKER**

Daniel Davis
Direct Dial (b)(6)
Direct Fax 225-248-3082
(b)(6) info@joneswalker.com

August 29, 2007

(b)(6) FOIA Officer
Federal Emergency Management Agency
500 C Street, S.W., Room 840
Washington, D.C. 20472

RECEIVED

SEP 17 2007

FEMA OGC

Re: Freedom of Information Act Request

Dear Madam:

Please allow this letter to serve as a request for information made pursuant to the Freedom of Information Act, 5 U.S.C. §552. I request that you provide copies of the following documents to me:

1. **Any and all emails sent either to or from the following email addresses between August 25, 2005 and August 28, 2007**

- (b)(6)
-
-

We will be happy to reimburse you for any search and review costs as well as any copying costs, if you will forward a statement along with the requested documents. Please do not hesitate to call me if you have any questions.

Sincerely,



Daniel B. Davis

(b)(6)

From:

Sent:

To:

Cc:

Subject:

Attachments:

(b)(6)

@associates.dhs.gov]

(b)(6)

RE: 07-508
image002.png

(b)(6)

(b)(5)

1.

Original Request Date: August 29, 2007

Please allow this letter to serve as a request for information made pursuant to the Freedom of Information Act, 5 U.S.C. §552. I request that you provide copies of the following documents to me:

1. Any and all emails sent either to or from the following email addresses between August 25, 2005 and August 28, 2007

- (b)(5)
-
-

#2.

From:

(b)(5)

@dhs.gov]

Sent: Tuesday, February 12, 2008 5:01 PM

To: Davis, Daniel

Subject: FW: FOIA 07-508--status

Mr. Davis,
These files were returned to the FEMA FOIA Office for continued processing.
Please indicate how you would like to narrow the scope of your request and hopefully we can expedite the processing.
Thanks for your patience!

(b)(6)
Disclosure Officer
Records Management Division
Office of Management
Federal Emergency Management Agency
Phone: (b)(6)

3.

From: Davis, Daniel
Sent: Monday, February 25, 2008 4:26 PM
To: (b)(6)
Cc: Allgood, Pepper
Subject: RE: FOIA 07-508--status

(b)(6)

Thanks for your update on FOIA 07-508. I have reviewed the correspondence on this file, and I want to make a point of clarification. I submitted FOIA request 07-508 on behalf of my client, Unified Recovery Group, LLC ("URG"). I am URG's attorney handling this matter. I have consulted with URG about the possibility of narrowing the scope of this request, perhaps by providing you with search terms that could pinpoint specific emails. I provided a similar set of search terms to (b)(6) at her suggestion, in connection with URG's FOIA request no. 07-073. URG is willing to provide the following revised scope:

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a.

(b)(6)

6. Please do not restrict your search to the body of the emails, but also search the subject lines, to/from lines, etc.

I understand that once a response is forthcoming, my client will then have the option to (1) abandon any further search, (2) modify the request further, or (3) proceed with the original FOIA request without losing its place in the queue. Narrowing the request is intended to expedite this process, and I understand that it will not result in the request losing its place in the queue. (In fact, my impression is that once we agree to this narrower scope, the search will begin immediately).

Dan
Daniel B. Davis
Jones, Walker, Waechter, Poitevent,
Carrère & Denègre, L.L.P.
8555 United Plaza Boulevard
Four United Plaza, Fifth Floor
Baton Rouge, Louisiana 70809-7000
Telephone (b)(6)
Facsimile 225 248 3082
Email (b)(6)@joneswalker.com

Thank you for your cooperation.

Have a great day!

(b)(6)
Front Rowe, Inc., Contractor
FOIA Processing and Quality Control Team Lead
Federal Emergency Management Agency
Room 401, FEMA Crystal City
1800 South Bell Street
Arlington, Va. 22202
Office: (b)(6)
Fax: (202) 646-3347
Mobile: (b)(6)
E-Mail: (b)(6)@associates.dhs.gov.

(b)(6)

From:

(b)(6)

Sent: Thursday, October 28, 2010 12:26 PM

To:

(b)(6)

Cc: Banks, Lesia

Subject: 07-508

Hello

(b)(6)

FYI. The final response letter does advise of Mr. Allgood's February 25, 2008, request to clarify and narrow the scope of his FOIA request. This was mentioned during the training session to document any changes in writing. Thank you.

(b)(6)

Senior FOIA Specialist
Department of Homeland Security (DHS)
Federal Emergency Management Agency (FEMA)
Disclosure Office
1800 South Bell Street
Arlington, VA 20598-3005
(b)(6) (office)

(b)(6)

From: (b)(6)
Sent: Thursday, October 07, 2010 8:13 AM
To: Kazmier, Janice
Cc: (b)(6)
Subject: RE: 07-508 first interim release -OCC review

Nothing is needed for now just the final concurrence response. thanks

From: Kazmier, Janice
Sent: Wednesday, October 06, 2010 4:36 PM
To: (b)(6)
Cc: (b)(6)
Subject: RE: 07-508 first interim release -OCC review

OK, do you need anything from me other than this?

Janice L. Kazmier, Esq.

General Attorney
Office of Chief Counsel
FEMA LA. Recovery Office
1 Seine Court
New Orleans, LA 70114

(b)(6)
(504) 762-2410 FAX
(b)(6) mobile

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From: (b)(6)
Sent: Wednesday, October 06, 2010 3:20 PM
To: Kazmier, Janice
Cc: (b)(6)
Subject: FW: 07-508 first interim release -OCC review
Importance: High

Hello Janice,
FYI, the interim letter will need to be revised but the documents have been completed. Thanks

From: (b)(6)
Sent: Wednesday, October 06, 2010 3:49 PM
To: Kazmier, Janice
Subject: RE: 07-508 first interim release -OCC review
Importance: High

Hello Janice,

(b)(5)
Thank you.

From: Kazmier, Janice
Sent: Monday, July 26, 2010 11:34 AM
To: FEMA-FOIA
Subject: FW: 07-508 interim release -OCC review

From: Kazmier, Janice
Sent: Thursday, July 22, 2010 3:19 PM
To: (b)(6)
Subject: RE: 07-508 interim release -OCC review

I hope this worked. I pasted my comments on the OCC form that show the date it was received. I also filled out the routing and transmittal slip. I looked only at the 4 sub-folders of documents in this case that were in the OCC folder.

Let me know if you can see what I did!

Janice L. Kazmier, Esq.
General Attorney
Certified Information Privacy Professional
Office of Chief Counsel
FEMA LA. Recovery Office
1 Seine Court
New Orleans, LA. 70114
(b)(6)
(504) 762-2410 FAX
(b)(6) mobile

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From: (b)(6) [redacted]@dhs.gov]
Sent: Wednesday, July 21, 2010 5:41 AM
To: Kazmier, Janice
Subject: RE: 07-508 interim release -OCC review

Hi Janice, it shouldn't be protected. I wonder if the file size is not allowing you to put in sticky notes. If the sticky notes are still not working, can you prepare notes in a separate file and send to us for modifications?

(b)(6) [redacted]
Senior FOIA Specialist
Disclosure Branch
Records Management Division
(b)(6) [redacted]

From: Kazmier, Janice [mailto:janice.kazmier@dhs.gov]
Sent: Tuesday, July 20, 2010 12:52 PM
To: (b)(6)
Subject: RE: 07-508 interim release -OCC review

I am reviewing this but I can't seem to add any comments or sticky notes. Is this document protected in some way?

Janice L. Kazmier, Esq.
General Attorney
Certified Information Privacy Professional
Office of Chief Counsel
FEMA LA Recovery Office
1 Seine Court
New Orleans, LA 70114
(b)(6)
(504) 762-2410 FAX
(b)(6) mobile

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From: (b)(6) [mailto:(b)(6)@dhs.gov]
Sent: Friday, July 09, 2010 11:13 AM
To: Kazmier, Janice
Cc: (b)(6)
Subject: 07-508 interim release -OCC review
Importance: High

Good afternoon Janice-

(b)(5)

Please let me know if you have any questions or trouble locating the documents
Have a great weekend!

(b)(6)

Senior FOIA Specialist
Disclosure Branch
Records Management Division

(b)(6)

(b)(6)

From: (b)(6)
Sent: Tuesday, September 28, 2010 10:12 AM
To: Banks, Lesia
Cc: (b)(6)
Subject: RE: FOIA 07-508 Pepper Allgood-Pending Legal Matter

Okay. Thank you.

From: Banks, Lesia
Sent: Tuesday, September 28, 2010 9:47 AM
To: (b)(6)
Cc: (b)(6)
Subject: RE: FOIA 07-508 Pepper Allgood-Pending Legal Matter
Importance: High

(b)(6)

I agree with the requester and with (b)(6) if he is not requesting information pertaining to an "individual" on behalf of an "individual", no waiver is required. I also discussed this with (b)(6) on yesterday.

Please don't hesitate to see me if you have additional questions or concerns.

Thanks

Dr. Lesia M. Banks
Director, Records Management Division
Federal Emergency Management Agency
U.S. Department of Homeland Security

(b)(6)@dhs.gov

(b)(6)
(b)(6)

cc: (b)(6)

From: (b)(6)
Sent: Tuesday, September 28, 2010 9:33 AM
To: Banks, Lesia
Cc: (b)(6)
Subject: FW: FOIA 07-508 Pepper Allgood-Pending Legal Matter
Importance: High

Hello Lesia,

(b)(6) and I are working one of the very voluminous legacy cases in which we are ready to finalized the first interim release, however in reviewing the case file, it was determined that the attorney, Mr. Allgood, never submitted an Authorization Waiver for his client

Background, Mr. Allgood is representing his client, Unified Recovery Group, LLC and when the Disclosure Branch reached out to OCC, Deirdre advise the Disclosure Branch below on how to proceed however this guidance is not specific enough for us in making a decision on whether a waiver is required or not. Normally, we always require these. The

Disclosure Branch also contacted Mr. Allgood and requested that he provide a waiver however, his position was that because he is representing an company versus a individual he should not be required to submit one.

Below is information retrieved from the Department of Justice, Freedom of Information Guide, Office of Information Privacy website, regarding Authorization Waivers.

- If you request the Department to release records pertaining to you to another individual, (i.e. requesters seeking records to be released to their attorney or someone else acting on their behalf, those seeking to have records released to a parent or legal guardian), you must include a signed statement certifying your agreement for that individual to access records about you.
<http://www.justice.gov/oip/procereq.htm> also,

- If you request the Department to release records pertaining to you to another individual, (i.e. requesters seeking records to be released to their attorney or someone else acting on their behalf, those seeking to have records released to a parent or legal guardian), you must include a signed statement certifying your agreement for that individual to access records about you.
http://www.dhs.gov/xfoia/editorial_0316.shtm

Please advise us as to whether we should proceed in sending out this information without the waiver to ensure no undue harm in our release to this requester. The first interim is consisting of over 1300 pages and there is an estimated 40,000 involved in this request.

Thank you.

From: (b)(6)
Sent: Thursday, September 23, 2010 1:42 PM
To: (b)(6)
Cc: (b)(6) (CTR)
Subject: RE: FOIA 07-508 Pepper Allgood

Yes, does not seem like an Authorization Waiver would be required then.

(b)(6)
Attorney-Advisor
Office of Chief Counsel
Federal Emergency Management Agency
Department of Homeland Security
Washington, DC 20472
(b)(6)

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From: (b)(6)

Sent: Thursday, September 23, 2010 12:23 PM

To: (b)(6)

Cc: (b)(6)

Subject: FOIA 07-508 Pepper Allgood

Hello (b)(6)

I have contacted Mr. Allgood via email regarding a request for a Authorization Waiver. In discussing this matter with (b)(6) he indicated that Mr. Allgood inquired as to why he will need to provide a waiver since he is representing an organization. Mr. Allgood is representing Unified Recovery Group, LLC. Our office is ready to make a release in the next couple of days, however if this is not needed please advise. Thank you.

(b)(6)

Senior FOIA Specialist
Department of Homeland Security (DHS)
Federal Emergency Management Agency (FEMA)
Disclosure Office
1800 South Bell Street
Arlington, VA 20598-3005
(b)(6)

(b)(6)

From: (b)(6)
Sent: Friday, September 17, 2010 11:37 AM
To: (b)(6)
Cc: (b)(6)
Subject: RE: FOIA 07-508

Yes, the Disclosure Branch will be releasing these in that method. FYI, the corrections to the first interim have been made. I will do a review today on the corrections and these will be ready if OCC would like to look at again. If not, this first package should be ready for final coordination next week. Thanks.

From: Kazmier, Janice [mailto:janice.kazmier@dhs.gov]
Sent: Friday, September 17, 2010 11:31 AM
To: (b)(6)
Cc: (b)(6)
Subject: FOIA 07-508

(b)(5)

I am working on reviewing the rest of this legacy. In the 3d interim response folder, there is a folder of bracketed documents. Within that are several pdfs that have not been initially reviewed by a FOIA Specialist. See below:

(b)(6)

to have been reviewed, based on a random sampling of pages.
to have been reviewed, based on a random sampling of pages.
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Janice L. Kazmier, Esq.

General Attorney
Office of Chief Counsel
FEMA LA Recovery Office
1 Seine Court
New Orleans, LA 70114

(b)(6)

(504) 762-2410 FAX

(b)(6)

mobile

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(b)(6)

From: (b)(6)
Sent: Wednesday, September 15, 2010 8:41 AM
To: (b)(6)
Subject: FW: FOIA 07-508

From: (b)(6)
Sent: Tuesday, September 14, 2010 4:43 PM
To: 'Allgood, Pepper'; (b)(6)
Cc: (b)(6)
Subject: RE: FOIA 07-508

Hello Mr. Allgood,
Yes, there is a processing team assigned to your request for processing this and the future interim releases. Please see my comments to your additional questions below. Thank you.

From: Allgood, Pepper [mailto:(b)(6)@joneswalker.com]
Sent: Friday, September 10, 2010 10:53 AM
To: (b)(6)
Cc: (b)(6)
Subject: RE: FOIA 07-508

Thank you, Ms. (b)(6)

The fact that you refer to a "first interim" indicates that there are more responsive documents that FEMA will need to produce other than these first 1300 pages.

Is someone conducting reviews of the other documents so that they can also be produced in the somewhat near future? Please tell me that FEMA does not plan to wait to start the multiple and prolonged reviews that the first batch has gone and will go through until after the first batch has been released. This FOIA request has been outstanding for years without a single piece of paper being produced.

Can you please tell me:

- (1) How many pages of responsive documents are there other than this "first interim"? There is a total of 1333 pages in the first interim release
- (2) What, if anything has been done to locate and process the other responsive documents that would be produced after the "first interim"? There are additional documents that have been forwarded to our office. These documents have already been scanned into electronic format and processing of these will begin once revision to the first interim release has been completed.
- (3) What remains to be done to complete the process of producing the other responsive documents and who is doing or will be responsible for doing it? The establish team has been assigned and the documents for this request are continuously being sent to our office. I will confer with the team leader tomorrow on the amount of documents received as of today and provide you an update. *37,000 pages - approximate - has been received*
- (4) When will the process of producing the other responsive documents be accomplished? I will confer with the team leader tomorrow on the amount of documents received as of today and provide you an update.

We appreciate your patience regarding your request. The Disclosure Branch has launched an initiative to close out all of its legacy request which involves giving your request priority processing so that it will enable our office to direct its

attention to responding to these requests completely and making interim release on very voluminous requests such as yours.

Also, in regards to the privacy authorization regarding your client, we will need this from you before the release is made.

I understand that your department is understaffed and overwhelmed, and I know that you personally are not responsible for the delays that have occurred in past years. And I greatly appreciate your courtesy and your efforts to keep me informed.

In light of the circumstances I do need to ask these questions and try to understand what is happening. My client needs these documents, and we are running out of time in which they will have any utility for us. We have been very patient for a long time -- years -- but at some point we have to consider our legal options. What you can tell us about FEMA's present efforts to fulfill its legal obligations will help us decide what we need to do to protect our interests.

thank you

Pepper Allgood
Jones, Walker, Waechter,
Poitevent, Carrere & Denegre, L.L.P.
8555 United Plaza Blvd.
Baton Rouge, LA 70809
(b)(6) (voice)
225.248.3038 (fax)
(b)(6) @joneswalker.com

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From: (b)(6)@dhs.gov]
Sent: Thursday, September 09, 2010 2:53 PM
To: (b)(6) Allgood, Pepper
Cc: (b)(6)
Subject: RE: FOIA 07-508

Hello Mr. Allgood,

This email is to provide you with an update regarding your FOIA request 07-508. It is projected that the processing team will complete the corrections to five (5) interim responsive (1400) pages within the next week. In addition to this, please keep in mind that these pages will require another legal review by our Office of Chief Counsel (OCC). The next phase after OCC review and concurrence will be that the redacted information is reinserted into the original page and then submitted for final review and signature within the Directorate Branch.

I will provide you with another update within **5 business days** regarding the completion of these corrections. Once the corrections have been done and the case sent to OCC for legal review, I will provide you with an update as well.

Our office is awaiting a total cost regarding fees from the FEMA program office that provided the documents. Once we receive this information, we will forward you a fee letter and explain the cost associated in processing your request.

Again, if you require further assistance regarding this matter please contact me at 202-212-2230.

Thank you.

From: (b)(6)
Sent: Friday, August 27, 2010 4:57 PM
To: (b)(6) @joneswalker.com'
Cc: (b)(6)
Subject: FOIA 07-508

Hello Mr. Allgood,

This email is to provide you an update regarding the above FOIA request submitted by Jones, Walker, and Wechter. In reviewing the case folder, it appears this request was submitted on behalf your client. If that is the case we will need for your firm to provide an Authorization Waiver which advises that your firm is acting on behalf of your client and request that you submit this to our office. Please email me a copy of this signed waiver.

Of note, it is projected that your first interim release will consist of an estimated **1300** pages. These pages are undergoing correction as per our discussion this week and additional reviews within the Records Management Division prior to release. The processing of these corrections is currently underway and I will provide an update within **10 business** days regarding your request from today's date. Also, per your request letter, you indicated your willingness to pay for fees associated in the production of these records. It is estimated that our search will yield an estimated 40,000 pages.

Under the FOIA, we can not release any responsive records until an advance payment of fees has been received. Our office will be contacting the program office to assess the total cost associated in producing these documents and we will forward you an official letter advising of the total costs shortly.

Please contact me regarding any questions you may have or if you require additional assistance regarding this matter.

Thank you.

(b)(6)
Senior FOIA Specialist
Department of Homeland Security (DHS)
Federal Emergency Management Agency (FEMA)
Disclosure Office
1800 South Bell Street
Arlington, VA 20598-3005
(b)(6)

(b)(6) (CTR)

From: (b)(6)
Sent: Wednesday, September 15, 2010 8:41 AM
To: (b)(6)
Subject: FW: FOIA 07-508

Follow Up Flag: Follow up
Flag Status: Completed

From: (b)(6)
Sent: Tuesday, September 14, 2010 4:43 PM
To: 'Allgood, Pepper'; (b)(6)
Cc: (b)(6)
Subject: RE: FOIA 07-508

Hello Mr. Allgood,
Yes, there is a processing team assigned to your request for processing this and the future interim releases. Please see my comments to your additional questions below. Thank you.

From: Allgood, Pepper [mailto:(b)(6)@joneswalker.com]
Sent: Friday, September 10, 2010 10:53 AM
To: (b)(6)
Cc: (b)(6)
Subject: RE: FOIA 07-508

Thank you, Ms. (b)(6)

The fact that you refer to a "first interim" indicates that there are more responsive documents that FEMA will need to produce other than these first 1300 pages.

Is someone conducting reviews of the other documents so that they can also be produced in the somewhat near future? Please tell me that FEMA does not plan to wait to start the multiple and prolonged reviews that the first batch has gone and will go through until after the first batch has been released. This FOIA request has been outstanding for years without a single piece of paper being produced.

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- (3) What remains to be done to complete the process of producing the other responsive documents and who is doing or will be responsible for doing it? The establish team has been assigned and the documents for this request are continuously being sent to our office. I will confer with the team leader tomorrow on the amount of documents received as of today and provide you an update.
- (4) When will the process of producing the other responsive documents be accomplished? I will confer with the team leader tomorrow on the amount of documents received as of today and provide you an update.

We appreciate your patience regarding your request. The Disclosure Branch has launched an initiative to close out all of its legacy request which involves giving your request priority processing so that it will enable our office to direct its attention to responding to these requests completely and making interim release on very voluminous requests such as yours.

Also, in regards to the privacy authorization regarding your client, we will need this from you before the release is made.

I understand that your department is understaffed and overwhelmed, and I know that you personally are not responsible for the delays that have occurred in past years. And I greatly appreciate your courtesy and your efforts to keep me informed.

In light of the circumstances I do need to ask these questions and try to understand what is happening. My client needs these documents, and we are running out of time in which they will have any utility for us. We have been very patient for a long time -- years -- but at some point we have to consider our legal options. What you can tell us about FEMA's present efforts to fulfill its legal obligations will help us decide what we need to do to protect our interests.

thank you

Pepper Allgood
Jones, Walker, Waechter,
Poitevent, Carrere & Denegre, L.L.P.
8555 United Plaza Blvd.
Baton Rouge, LA 70809
(b)(6) (voice)
225.248.3038 (fax)
(b)(6) @joneswalker.com

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From: (b)(6) [REDACTED]@dhs.gov]
Sent: Thursday, September 09, 2010 2:53 PM
To: (b)(6) [REDACTED] Allgood, Pepper
Cc: (b)(6) [REDACTED]
Subject: RE: FOIA 07-508

Hello Mr. Allgood,

This email is to provide you with an update regarding your FOIA request 07-508. It is projected, that the processing team will complete the corrections to the first interim consisting of 1300 pages within the next week. In addition to this, please keep in mind that these pages will require another legal review by our Office of Chief Counsel (OCC). The next phase after OCC's review and concurrence will be that the case is prepared in a finalized package and then submitted for final review and signature within the Disclosure Branch.

I will provide you with a another update within **5 business days** regarding the completion of these corrections. Once the corrections have been done and the case sent to OCC for legal review, I will provide you with an update as well.

Our office is awaiting a total cost regarding fees from the FEMA program office that provided the documents. Once we receive this information, we will forward you a fee letter advising of the cost associated in processing your request.

Again, if you require further assistance regarding this matter please contact me at (b)(6)

Thank you.

From: (b)(6)
Sent: Friday, August 27, 2010 4:57 PM
To: (b)(6) @joneswalker.com
Cc: (b)(6)
Subject: FOIA 07-508

Hello Mr. Allgood,

This email is to provide you an update regarding the above FOIA request submitted by Jones, Walker, and Wechter. In reviewing the case folder, it appears this request was submitted on behalf your client. If that is the case we will need for your firm to provide an Authorization Waiver which advises that your firm is acting on behalf of your client and request that you submit this to our office. Please email me a copy of this signed waiver.

Of note, it is projected that your first interim release will consist of an estimated **1300** pages. These pages are undergoing correction as per our discussion this week and additional reviews within the Records Management Division prior to release. The processing of these corrections is currently underway and I will provide an update within **10 business** days regarding your request from today's date. Also, per your request letter, you indicated your willingness to pay for fees associated in the production of these records. It is estimated that our search will yield an estimated 40,000 pages.

Under the FOIA, we can not release any responsive records until an advance payment of fees has been received. Our office will be contacting the program office to assess the total cost associated in producing these documents and we will forward you an official letter advising of the total costs shortly.

Please contact me regarding any questions you may have or if you require additional assistance regarding this matter.

Thank you.

(b)(6)
Senior FOIA Specialist
Department of Homeland Security (DHS)
Federal Emergency Management Agency (FEMA)
Disclosure Office
1800 South Bell Street
Arlington, VA 20598-3005
(b)(6) (office)

(b)(6)

From:

(b)(6)

Sent:

Thursday, September 09, 2010 2:53 PM

To:

(b)(6)

Cc:

Subject:

RE: 07-508 Pepper Allgood (Legacy)

(b)(6)

Have a great day!

Theresa A. Morris (CTR)

From: (b)(6)
Sent: Thursday, September 09, 2010 12:11 PM
To: (b)(6)
Subject: 07-508 Pepper Allgood (Legacy)

(b)(5)



Thank you

(b)(6)
Senior FOIA Specialist
Department of Homeland Security (DHS)
Federal Emergency Management Agency (FEMA)
Disclosure Office
1800 South Bell Street
Arlington, VA 20598-3005
(b)(6) (office)

Detail
Disclosure Office
1800 South Bell Street

Cc: Zeff, Mitchell (USADC); (b)(6)

Subject: FW: Complaint- U.S. Citizen's Association vs. FEMA - Agency Record Search

Hi (b)(6)

The attached declaration which includes Mitch's mark-ups just needs a few more things which I believe should be done by you to make it complete. If I am mistaken, please call me so you can assist me with filling in the last few edits needed to get this done.

Thanks,

(b)(6)

From: Zeff, Mitchell (USADC) [mailto:(b)(6)@usdoj.gov]

Sent: Tuesday, June 22, 2010 5:47 PM

To: (b)(6)

Subject: RE: Complaint- U.S. Citizen's Association vs. FEMA - Agency Record Search

Here is a revised draft with my mark ups.

Mitch

From: (b)(6)@dhs.gov]

Sent: Tuesday, June 22, 2010 4:14 PM

To: (b)(6); Zeff, Mitchell (USADC); (b)(6)

Subject: RE: Complaint- U.S. Citizen's Association vs. FEMA - Agency Record Search

(b)(5)

From: (b)(6)@dhs.gov]

Sent: Tuesday, June 22, 2010 1:02 PM

To: (b)(6); Williams-Jones, Janice; (b)(6); Zeff, Mitchell (USADC); (b)(6)

Subject: RE: Complaint- U.S. Citizen's Association vs. FEMA - Agency Record Search

Here is

From: (b)(6)

Sent: Tuesday, June 22, 2010 1:00 PM

To: (b)(6); (b)(6); Zeff, Mitchell (USADC); (b)(6)

Subject: RE: Complaint- U.S. Citizen's Association vs. FEMA - Agency Record Search

Here's my suggested revisions. There remains a bit a work to do on this.

Thanks,

(b)(6)

Attorney General Law

Office of Chief Counsel
Department of Homeland Security
500 C Street SW, Suite 715
Washington, DC 20472
(b)(6)
202-646-3958 (fax)

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From: (b)(6) @dhs.gov]
Sent: Tuesday, June 22, 2010 10:34 AM
To: (b)(6) Zeff, Mitchell (USADC); (b)(6)
Subject: RE: Complaint- U.S. Citizen's Association vs. FEMA - Agency Record Search

(b)(5)

From: (b)(6) @dhs.gov]
Sent: Monday, June 21, 2010 9:55 AM
To: Zeff, Mitchell (USADC); (b)(6)
Subject: RE: Complaint- U.S. Citizen's Association vs. FEMA - Agency Record Search

And me also, please, (b)(6) I just had a package of responsive materials dropped off with me. I am sorting through them now.

From: Zeff, Mitchell (USADC) [mailto:(b)(6)@usdoj.gov]
Sent: Monday, June 21, 2010 9:51 AM
To: (b)(6)
Subject: RE: Complaint- U.S. Citizen's Association vs. FEMA - Agency Record Search

If you would like me to participate in the call, my number is (b)(6)

From: (b)(6) @dhs.gov]
Sent: Monday, June 21, 2010 8:36 AM
To: (b)(6) Zeff, Mitchell (USADC); (b)(6)
Subject: Re: Complaint- U.S. Citizen's Association vs. FEMA - Agency Record Search

My office has moved. Please give me your telephone number because I don't know if I will have access to my computer
Sent using BlackBerry

From: (b)(6)
To: (b)(6) @usdoj.gov; (b)(6) @dhs.gov; (b)(6) @dhs.gov; (b)(6) @usdoj.gov
CC: DeBorja, Ramoncito <ramoncito.deborja@dhs.gov>
Sent: Mon Jun 21 08:31:53 2010
Subject: RE: Complaint- U.S. Citizen's Association vs. FEMA - Agency Record Search

Anytime after 10:00 is good, thanks

(b)(6) **From:** [REDACTED]@dhs.gov]
(b)(6) **Sent:** Monday, June 21, 2010 8:30 AM
(b)(6) **To:** [REDACTED]@usdoj.gov; [REDACTED]
(b)(6) **Cc:** DeBorja, Ramoncito
(b)(6) **Subject:** Re: Complaint- U.S. Citizen's Association vs. FEMA - Agency Record Search

[REDACTED] I need to speak to you today. What is a good time for you?

[REDACTED]
Sent using BlackBerry

(b)(6) **From:** [REDACTED]@dhs.gov>
(b)(6) **To:** Zeff, Mitchell (USADC) <[REDACTED]@usdoj.gov>; [REDACTED]@dhs.gov>; [REDACTED]@dhs.gov>; [REDACTED]@dhs.gov>
(b)(6) **Cc:** DeBorja, Ramoncito <ramoncito.deborja@dhs.gov>
(b)(6) **Sent:** Mon Jun 21 08:21:22 2010
(b)(6) **Subject:** RE: Complaint- U.S. Citizen's Association vs. FEMA - Agency Record Search

Hello Mitch,

I was referencing both DHS and FEMA in paragraph 6. Thanks.

(b)(6) **From:** Zeff, Mitchell (USADC) [REDACTED]@usdoj.gov]
(b)(6) **Sent:** Thursday, June 17, 2010 1:52 PM
(b)(6) **To:** [REDACTED]
(b)(6) **Cc:** DeBorja, Ramoncito
(b)(6) **Subject:** RE: Complaint- U.S. Citizen's Association vs. FEMA - Agency Record Search

Hi (b)(6)

Your comments were very helpful and not at all too lengthy!

(b)(5) [REDACTED]
Mitch

(b)(6) **From:** [REDACTED]@dhs.gov]
(b)(6) **Sent:** Thursday, June 17, 2010 11:00 AM
(b)(6) **To:** [REDACTED] Zeff, Mitchell (USADC); [REDACTED]
(b)(6) **Cc:** DeBorja, Ramoncito
(b)(6) **Subject:** RE: Complaint- U.S. Citizen's Association vs. FEMA - Agency Record Search

Please see my comments [REDACTED]

FYI, I will be out of the office the remainder of the day at 1:30.
Thanks

(b)(6) **From:** [REDACTED]@dhs.gov]
(b)(6) **Sent:** Thursday, June 17, 2010 10:40 AM

(b)(6) **To:** Zeff, Mitchell (USADC); [REDACTED]
Cc: DeBorja, Ramoncito
Subject: RE: Complaint- U.S. Citizen's Association vs. FEMA - Agency Record Search

(b)(5)

[REDACTED]

Thanks,

(b)(6)

[REDACTED]

FEMA OCC

(b)(6)

[REDACTED]

(b)(6)

From: Zeff, Mitchell (USADC) [mailto:[REDACTED]@usdoj.gov]

Sent: Thursday, June 17, 2010 10:24 AM

(b)(6)

To: [REDACTED]

Subject: RE: Complaint- U.S. Citizen's Association vs. FEMA - Agency Record Search

(b)(6)

(b)(5) agree with [REDACTED]

[REDACTED]

(b)(6) **From:** [REDACTED]@dhs.gov]

Sent: Thursday, June 17, 2010 10:21 AM

(b)(6)

To: [REDACTED]; Zeff, Mitchell (USADC); [REDACTED]

(b)(6) **Subject:** RE: Complaint- U.S. Citizen's Association vs. FEMA - Agency Record Search

Ok.

(b)(6) **From:** [REDACTED]@dhs.gov]

Sent: Thursday, June 17, 2010 10:17 AM

(b)(6)

To: [REDACTED]; Zeff, Mitchell (USADC); [REDACTED]

Subject: RE: Complaint- U.S. Citizen's Association vs. FEMA - Agency Record Search

I don't think so - if we have them, we have them!

(b)(6) **From:** [REDACTED]@dhs.gov]

Sent: Thursday, June 17, 2010 9:22 AM

(b)(6)

To: Zeff, Mitchell (USADC); [REDACTED]

Subject: RE: Complaint- U.S. Citizen's Association vs. FEMA - Agency Record Search

(b)(5)

[REDACTED]

(b)(6) **From:** Zeff, Mitchell (USADC) [mailto:[REDACTED]@usdoj.gov]

Sent: Wednesday, June 16, 2010 3:49 PM

(b)(6)

To: [REDACTED]

Subject: RE: Complaint- U.S. Citizen's Association vs. FEMA - Agency Record Search

(b)(6) Thanks [REDACTED] Do you or [REDACTED] also plan on revising the declaration in accordance with my edits (see attached)?
Mitch

(b)(6) **From:** [REDACTED]@dhs.gov]
Sent: Wednesday, June 16, 2010 3:44 PM
(b)(6) **To:** [REDACTED] Zeff, Mitchell (USADC)
Subject: FW: Complaint- U.S. Citizen's Association vs. FEMA - Agency Record Search
Importance: High

Please see below – where there was an indication of responsive records! Sorry about the lateness in this and I will try to obtain copies?!

From: Henderson, John Paul
Sent: Thursday, May 20, 2010 9:46 AM
(b)(6) **To:** [REDACTED] Bernstein, Richard; [REDACTED] Fried, Jordan; Davis, LindaM (b)(6)
Subject: RE: Complaint- U.S. Citizen's Association vs. FEMA - Agency Record Search

Amazingly enough, I do have some copies of the old "no records" responses sent out in the 1990's from [REDACTED] (b)(6) files. If anyone would like any of these, you're more than welcome to come to K Street to peruse through the files.

JP

J.P. Henderson
DHS/FEMA Office of Chief Counsel
500 C Street, SW, Room 840
Techworld Room 5089
Washington, DC 20472-3100

(b)(6) [REDACTED]
(202) 786-9938 fax
(b)(6) [REDACTED] mobile
(b)(6) [REDACTED]@dhs.gov

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(b)(6) **From:** [REDACTED]
Sent: Thursday, May 20, 2010 9:23 AM
(b)(6) **To:** [REDACTED] Bernstein, Richard; [REDACTED] Henderson, John Paul; Fried, Jordan; Davis, LindaM
Subject: FW: Complaint- U.S. Citizen's Association vs. FEMA - Agency Record Search
Importance: High

(b)(5)

(b)(5)

(b)(6)

Senior Attorney, Office of Chief Counsel - General Law Division
Legal Counsel, Mt. Weather Emergency Operations Center
Federal Emergency Management Agency (FEMA)
U.S. Department of Homeland Security
P.O. Box 129, Bldg. 405
Mt. Weather, Virginia 22611
Office: (b)(6)
Fax: 540-542-2005

(b)(6)

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From: Nason, Alan [mailto:(b)(6)@dhs.gov]
Sent: Wednesday, May 19, 2010 4:48 PM

(b)(6)

To: McClure, William; (b)(6); Andrzejewski, John; Stoliker, Kurt; (b)(6)

(b)(6)

Cc: Campbell, Robert; Kane, Thomas

Subject: FW: Complaint- U.S. Citizen's Association vs. FEMA - Agency Record Search
Importance: High

Read the FOIA below and let me know if you have any of the information requested. Need a response, positive or negative, NLT Wed, May 26th.

Thanks,

AI

Alan B. (AI) Nason
Chief of Staff
Mt. Weather Emergency Operations Center
Department of Homeland Security
Office: (b)(6)
Cell: (b)(6)

From: (b)(6)

Sent: May 18, 2010 11:29 AM [REDACTED]@dhs.gov]

To: (b)(6)

(b)(6) Goins, Ronald; Lyle, Mary Anne; (b)(6)

(b)(6) Hinkson, Cecile

Cc: (b)(6) Geiselman, Sandra; Raab-Barnes, Jennie;

Subject: Complaint- U.S. Citizen's Association vs. FEMA - Agency Record Search

(b)(5) [REDACTED]

(b)(6) [REDACTED]
Senior FOIA Specialist
Department of Homeland Security (DHS)
Federal Emergency Management Agency (FEMA)
Disclosure Branch
1800 South Bell Street
Arlington, VA 20598-3005
(b)(6) [REDACTED] (office)

Date: Wednesday, September 1, 2010

(b)(6) Prepared by:

[REDACTED]
FRI FOIA Processing and Quality Control Team Lead

SUBJECT: FEMA FOIA 07-508 TIMELINE OF EVENTS as of Wednesday, September 1, 2010

(b)(5) [REDACTED]

The original requester's FEMA FOIA e-mail request is dated August 29, 2007.

From: Davis, Daniel

Sent: Monday, February 25, 2008 4:26 PM

(b)(6) To:

Cc: Allgood, Pepper

Subject: RE: FOIA 07-508--status

(b)(6) [REDACTED]

Thanks for your update on FOIA 07-508. I have reviewed the correspondence on this file, and I want to make a point of clarification. **I submitted FOIA request 07-508 on behalf of my client, Unified Recovery Group, LLC ("URG"). I am URG's attorney handling this matter.** I have consulted with URG about the possibility of narrowing the scope of this request, perhaps by providing you with search terms that could pinpoint specific emails. I provided a similar set of search terms to [REDACTED] at her suggestion, in connection with URG's FOIA request no. 07-073. URG is willing to provide the following revised scope:

(b)(6)

**Daniel B. Davis
Jones, Walker, Waechter, Poitevent,
Carrère & Denègre, L.L.P.
8555 United Plaza Boulevard
Four United Plaza, Fifth Floor
Baton Rouge, Louisiana 70809-7000
Telephone [REDACTED]
Facsimile 225 248 3082**

(b)(6) From:

(b)(6) Sent: Monday, August 30, 2010 10:12 AM

To:

Cc:

[REDACTED]

(b)(6) [REDACTED] reached out to the requester, Friday, August 27, 2010 on legacy FOIA #07-508 regarding an Authorization Waiver and fees associated with the initial request. You will be advised of any updates as they are received.

(b)(6) **From:** [REDACTED]
Sent: Friday, August 27, 2010 4:57 PM
To: 'dallgood@joneswalker.com'
Cc: [REDACTED]

(b)(6) Hello Mr. Allgood,
This email is to provide you an update regarding the above FOIA request submitted by Jones, Walker, and Wechter. In reviewing the case folder, it appears this request was submitted on behalf your client. If that is the case we will need for your firm to provide an Authorization Waiver which advises that your firm is acting on behalf of your client and request that you submit this to our office. Please email me a copy of this signed waiver.

Of note, it is projected that your first interim release will consist of an estimated **1300** pages. These pages are undergoing correction as per our discussion this week and additional reviews within the Records Management Division prior to release. The processing of these corrections is currently underway and I will provide an update within **10 business** days regarding your request from today's date. Also, per your request letter, you indicated your willingness to pay for fees associated in the production of these records. It is estimated that our search will yield an estimated 40,000 pages.

Under the FOIA, we can not release any responsive records until an advance payment of fees has been received. Our office will be contacting the program office to assess the total cost associated in producing these documents and we will forward you an official letter advising of the total costs shortly.

Please contact me regarding any questions you may have or if your require additional assistance regarding this matter.

(b)(6) **From:** [REDACTED]
Sent: Friday, August 27, 2010 9:54 AM
To: [REDACTED]
Cc: [REDACTED]

(b)(6) Ok. [REDACTED] let's meet at 11:30 today if possible. It shouldn't be more than 15 min to discuss next steps. Thanks

(b)(6) **From:** [REDACTED]
Sent: Friday, August 27, 2010 7:56 AM
To: [REDACTED]

(b)(6) After speaking with [REDACTED] on yesterday I have learned that the processing or the corrections to processing of this case has been places on hold until some issues are resolved. You may speak with [REDACTED] regarding the issues involved.

(b)(6) **From:** [REDACTED]
Sent: Thursday, August 26, 2010 2:06 PM
To: [REDACTED]
Subject: RE: 07-508: Processing of names
(b)(6) Hello [REDACTED]

Thanks for the information. Can you tell me how far you are on the first interim release corrections and how many pages will be released? Thank you.

(b)(6)

From: [REDACTED]
Sent: Thursday, August 26, 2010 1:55 PM
To: [REDACTED]
Cc: [REDACTED]
All,

(b)(6)

(b)(5)

[REDACTED]

(b)(6)

From: [REDACTED] (CTR)
Sent: Friday, August 20, 2010 1:21 PM
To: [REDACTED]
Cc: [REDACTED]

(b)(6)

(b)(6)

Thanks for sending me this email so I can remember to follow up with [REDACTED] on Monday.

(b)(6)

(b)(5)

(b)(6)

[REDACTED]

(b)(6)

(b)(6)

From: [REDACTED] (CTR)
Sent: Friday, August 20, 2010 11:51 AM
To: [REDACTED] (CTR)
Subject: 07-508

(b)(6)

(b)(5)

[REDACTED]

(b)(6)

From: [REDACTED]
Sent: Wednesday, August 18, 2010 11:33 AM
To: [REDACTED]
Cc: [REDACTED]
Hello [REDACTED]

(b)(6)

(b)(6)

We can proceed. I will be calling requester today.

(b)(5)

[REDACTED]

(b)(6)

From: [REDACTED]@dhs.gov]
Sent: Wednesday, August 18, 2010 11:25 AM
To: [REDACTED] Kazmier, Janice
Cc: [REDACTED]
For this case only.

(b)(6)

(b)(6)

(b)(6) From: [REDACTED]@dhs.gov
(b)(6) Sent: Wednesday, August 18, 2010 10:09 AM
(b)(6) To: Kazmier, Janice: [REDACTED]
(b)(6) Cc: [REDACTED]

(b)(5)

From: Kazmier, Janice [mailto:[REDACTED]]@dhs.gov
Sent: Wednesday, August 18, 2010 10:06 AM
To: [REDACTED]

(b)(6)

(b)(5)

(b)(6) From: [REDACTED]@dhs.gov
(b)(6) Sent: Tuesday, August 17, 2010 12:14 PM
(b)(6) To: Kazmier, Janice
(b)(6) Cc: [REDACTED] (CTR)
Hello Janice,

(b)(5)

(b)(6) From: [REDACTED] (CTR)
(b)(6) Sent: Tuesday, August 17, 2010 12:45 PM
(b)(6) To: [REDACTED]
(b)(6) Cc: [REDACTED]

(b)(5)

(b)(5)

[Redacted]

(b)(6)

[Redacted]

Senior FOIA Specialist
Disclosure Branch
Records Management Division

(b)(6)

[Redacted]

(b)(5)

[Redacted]

(b)(6)

[Redacted]

Senior Attorney General Law
FEMA Office of Chief Counsel
Department of Homeland Security
500 C Street SW, Suite 715
Washington, DC 20472

(b)(6)

[Redacted]

202-646-3958 (fax)

(b)(6)

From: [Redacted] (CTR)

Sent: Monday, August 16, 2010 4:25 PM

To: [Redacted]

(b)(6)

(b)(5)

[Redacted]

(b)(6)

From: [Redacted]

Sent: Monday, August 16, 2010 3:20 PM

To: [Redacted]

(b)(6)

Hello,

Can you advise if this was one of your legacy request? If so, OCC has completed its review and its ready for modifications. Thanks.

(b)(6) **From:** [REDACTED] (CTR)
(b)(6) **Sent:** Wednesday, July 21, 2010 2:44 PM
(b)(6) **To:** [REDACTED] (CTR)

(b)(5) [REDACTED]

(b)(6) **From:** [REDACTED]
(b)(6) **Sent:** Wednesday, July 21, 2010 8:01 AM
To: [REDACTED] (CTR)
Cc: [REDACTED] (R)

Thks (b)(6) for the update.
Actually Mr. Allgood has already submitted payment I believe. Let me see if I can confirm.

(b)(6) **From:** [REDACTED] (CTR)
(b)(6) **Sent:** Monday, July 19, 2010 2:20 PM
(b)(6) **To:** [REDACTED]

(b)(5) [REDACTED]

(b)(6) **From:** [REDACTED]@dhs.gov]
(b)(6) **Sent:** Friday, July 09, 2010 11:13 AM
To: Kazmier, Janice
(b)(6) **Cc:** [REDACTED]
Subject: 07-508 interim release -OCC review
Importance: High

(b)(5) [REDACTED]

(b)(6) **From:** [REDACTED]
(b)(6) **Sent:** Friday, July 09, 2010 12:05 PM
To: [REDACTED] (CTR)

(b)(5) [REDACTED]

(b)(6) **From:** [REDACTED] (CTR)
(b)(6) **Sent:** Wednesday, July 07, 2010 3:10 PM
To: [REDACTED]

(b)(5) [REDACTED]

Please contact me if you have any questions or modification changes in this regard. Thanks.

(b)(6) **From:** [REDACTED] (CTR)
(b)(6) **Sent:** Friday, July 02, 2010 9:51 AM
To: [REDACTED]
Cc: [REDACTED] (CTR)

Please use the attached e-mail as guidance during the QC review of FOIA 07-508. A copy was placed into the administrative folder on the "R" drive. Thanks.

(b)(6) **From:** [REDACTED]
(b)(6) **Sent:** Friday, July 02, 2010 6:22 AM
Excellent, thanks [REDACTED]

(b)(6) **From:** [REDACTED] (CTR)
(b)(6) **Sent:** Thursday, July 01, 2010 3:53 PM
To: [REDACTED]
Cc: [REDACTED]

(b)(5) [REDACTED]

(b)(6) **From:** [REDACTED] (CTR)
(b)(6) **Sent:** Thursday, July 01, 2010 1:24 PM

[REDACTED]

(b)(6) [REDACTED] will confirm when the processing is complete and deliver the case directly to you.

(b)(6) **From:** [REDACTED]

Sent: Thursday, July 01, 2010 1:15 PM

(b)(6) **To:** [REDACTED]

(b)(6) **Cc:** [REDACTED]

(b)(6) [REDACTED]

(b)(5) [REDACTED]

(b)(6)

From: [REDACTED]

Sent: Thursday, July 01, 2010 1:00 PM

(b)(6)

To: [REDACTED]

F.Y.I.

(b)(6)

From: Allgood, Pepper [mailto:[REDACTED]@joneswalker.com]

Sent: Thursday, July 01, 2010 12:52 PM

(b)(6)

Can you please tell me when I will receive documents in response to FOIA 07-508?

And can you please tell me what has to happen for me to get those documents?

Thank you.

Pepper Allgood
Jones, Walker, Waechter,
Poitevent, Carrere & Denegre, L.L.P.
8555 United Plaza Blvd.
Baton Rouge, LA 70809

(b)(6)

[REDACTED] (voice)
225.248.3038 (fax)

(b)(6)

From: [REDACTED]

Sent: Wednesday, June 30, 2010 6:59 AM

To: [REDACTED]

(b)(6) **Cc:** [REDACTED]

(b)(5) [REDACTED]

(b)(6) **From:** [REDACTED] (CTR)
Sent: Tuesday, June 29, 2010 2:45 PM
(b)(6) **To:** [REDACTED]
(b)(6) **Cc:** [REDACTED]

(b)(5)

Please let me know if you have any questions.

(b)(6) **From:** [REDACTED]
Sent: Tuesday, June 29, 2010 12:19 PM
(b)(6) **To:** [REDACTED]
(b)(6) **Cc:** [REDACTED]
(b)(6) **Hi** [REDACTED]

(b)(5)

thks

(b)(6) **From:** [REDACTED]
Sent: Tuesday, June 29, 2010 7:24 AM
(b)(6) **To:** [REDACTED]
(b)(6) **Cc:** [REDACTED]

(b)(5)

(b)(6) **From:** [REDACTED] (CTR)

Sent: Friday, June 25, 2010 8:42 AM

(b)(6) **To:** [REDACTED]

Cc: [REDACTED] (CTR)

This case will be processed as an admin close, since the requestor did not provide the waiver.
The guidance below applies only to this particular case #10-071, and is not global guidance.

(b)(6) **From:** [REDACTED]

Sent: Thursday, June 24, 2010 6:42 PM

(b)(6) **To:** [REDACTED] (CTR)

10-071 - deny absent the person's written consent.

(b)(6) **From:** [REDACTED]

Sent: Wednesday, June 23, 2010 10:51 AM [REDACTED]@associates.dhs.gov]

(b)(6) **To:** [REDACTED] (CTR)

Cc: [REDACTED] (CTR)

(b)(6) Hi [REDACTED] Please update FOIA # 07-508 in Case Tracker. The case is on hold until a response has been
(b)(6) received from [REDACTED] regarding a 3rd party authorization release form.

(b)(6) **From:** [REDACTED] (CTR)

Sent: Wednesday, June 23, 2010 9:02 AM

(b)(6) **To:** [REDACTED]

(b)(5) [REDACTED]

(b)(6) **From:** [REDACTED]

Sent: Wednesday, June 23, 2010 8:52 AM

(b)(6) **To:** [REDACTED]

(b)(6) What is the request # pls, I'd like to look at.

(b)(6) **From:** [REDACTED]

To: [REDACTED]

Cc: [REDACTED]

Sent: Wed Jun 23 08:46:51 2010

(b)(6) [REDACTED]
(b)(5) [REDACTED]

(b)(6) **From:** [REDACTED] (CTR)
Sent: Tuesday, June 22, 2010 2:44 PM
To: [REDACTED] (CTR)

(b)(6) [REDACTED]
File 4a under bracketed documents is ready for your review for the first interim release. The tracker has been completed with 1st interim release page count data and notes. I have the folder and will go forth with the next file 4b.

(b)(6) **From:** [REDACTED] (CTR)
Sent: Monday, June 07, 2010 2:03 PM

(b)(6) **To:** [REDACTED]
Cc: [REDACTED]
Good new regarding a voluminous unidentified list of names that are within a FOIA document.

(b)(4),(b)(6) **From:** [REDACTED]
Sent: Monday, June 07, 2010 1:59 PM

(b)(6) **To:** [REDACTED]
(b)(6) **Cc:** [REDACTED] Pugh, Amy; [REDACTED] (b)(6)

(b)(5) [REDACTED]

thks

(b)(6) **From:** [REDACTED]@dhs.gov
Sent: Monday, June 07, 2010 1:54 PM
(b)(6) **To:** [REDACTED]

(b)(5) [REDACTED]
(b)(6) **From:** [REDACTED]@dhs.gov
Sent: Monday, June 07, 2010 1:51 PM
(b)(6) **To:** [REDACTED]
Subject: b6 names

(b)(5) [REDACTED]

(b)(6)

From: [REDACTED]

Sent: Tuesday, May 11, 2010 6:50 AM

To: [REDACTED]

(b)(6)

Cc: [REDACTED]

(CTR)

(b)(6)

Good Morning [REDACTED]

Mr. Allgood gave us the search terms (below) back in 2008. We should be able to narrow the responsive documents significantly with these terms. Let me know how that works and see if we are able to do the interim release or a final response (hopefully).

(b)(6) (b)(6)

OCC

From: [redacted]
Sent: [redacted] @dhs.gov
To: Wednesday, August 18, 2010 11:25 AM
Cc: Kazmier, Janice
Subject: RE: FOIA 07-508 Legacy

(b)(5) [redacted]

Attorney-Advisor
OCC-MS

From: (b)(6) (b)(6) [mailto:[redacted]] @dhs.gov
Sent: Wednesday, August 18, 2010 10:09 AM
To: Kazmier, Janice: (b)(6) (b)(6)
Cc: [redacted]
Subject: RE: FOIA 07-508 Legacy

Okay. [redacted]
(b)(5)

From: Kazmier, Janice [mailto:[redacted]] @dhs.gov
Sent: Wednesday, August 18, 2010 10:06 AM
To: (b)(6) (b)(6)
Cc: [redacted]
Subject: RE: FOIA 07-508 Legacy

(b)(6) [redacted]

Janice L. Kazmier, Esq.

General Attorney
Office of Chief Counsel
FEMA LA Recovery Office
1 Seine Court
New Orleans, LA 70114

(b)(6)
(504) 762-2410 FAX

(b)(6) mobile

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(b)(6)

From: (b)(6) (b)(6)
Sent: Tuesday, August 17, 2010 12:14 PM
To: Kazmier, Janice
Cc: (b)(6) (CTR)
Subject: FW: FOIA 07-508 Legacy

(b)(6)

(b)(5)

[Redacted]

Thank you.

(b)(6)

From: (b)(6) (CTR)
Sent: Tuesday, August 17, 2010 12:45 PM
To: (b)(6) (b)(6)
Cc: (b)(6) (CTR)
Subject: FW: FOIA 07-508 Legacy

(b)(6)

(b)(5)

[Redacted]

GUIDANCE Provided: See attached:

(b)(5)

[Redacted]

(b)(6)

Senior FOIA Specialist
Disclosure Branch
Records Management Division

(b)(6)

[Redacted]

(b)(5)

(b)(6)

Senior Attorney General Law
FEMA Office of Chief Counsel
Department of Homeland Security
500 C Street SW, Suite 715
Washington, DC 20472

(b)(6)

202-646-3958 (fax)

Have a great day!

(b)(6)

(CTR)

Front Rowe, Inc., Contractor
FOIA Processing and Quality Control Team Lead
Federal Emergency Management Agency
Room 401, FEMA Crystal City
1800 South Bell Street
Arlington, Va. 22202

Office: (b)(6)

Fax: (202) 646-3347

Mobile: (b)(6)

E-Mail: (b)(6)@associates.dhs.gov.

Official Use Only: This document is for official use only. It is not to be distributed outside the agency.

From: (b)(6) (b)(6) (CTR)
Sent: Tuesday, August 17, 2010 9:48 AM
To: (b)(6) (b)(6)
Cc: (b)(6) (b)(6) (CTR); (b)(6) (b)(6) (CTR)
Subject: RE: FOIA 07-508 Legacy

(b)(6)

(b)(5)

(b)(6) (b)(6) (CTR)
Front Rowe, Inc. Contractor
Analyst - FOIA Operations
Federal Emergency Management Agency
Room 401, FEMA Crystal City
1800 South Bell Street
Arlington VA 22202
Phone (b)(6)
Fax: (202) 646-3347
Email (b)(6) @associates.dhs.gov

From: (b)(6) (b)(6) (CTR)
Sent: Tuesday, August 17, 2010 9:44 AM
To: (b)(6) (b)(6) (b)(6) (b)(6) (CTR)
Cc: (b)(6) (b)(6) (CTR)
Subject: RE: FOIA 07-508 Legacy

(b)(6)

(b)(5)

(b)(6) (b)(6) (CTR)
Front Rowe, Inc.
FOIA Case Prep Team Lead
Federal Emergency Management Agency
Room 401, Crystal City FEMA
1800 South Bell Street, 4th Floor
Arlington, VA 20598-3005
Phone: (b)(6)
Fax: (202) 646-3347
(b)(6) (b)(6) @Associates DHS Gov

From: (b)(6) (b)(6)
Sent: Tuesday, August 17, 2010 9:41 AM
To: (b)(6) (b)(6) (CTR)
Cc: (b)(6) (b)(6) (CTR)
Subject: RE: FOIA 07-508 Legacy

(b)(5)

From: (b)(6) (b)(6) (CTR)
Sent: Monday, August 16, 2010 4:35 PM
To: (b)(6) (b)(6) (CTR); (b)(6) (b)(6)
Subject: RE: FOIA 07-508 Legacy

(b)(6)

This was the case we were waiting for the OCC review for the 1st interim response to guide us on doing the 2nd interim release.

(b)(6) (CTR)

Front Rowe, Inc. Contractor
Analyst - FOIA Operations
Federal Emergency Management Agency
Room 401 FEMA Crystal City
1800 South Bell Street
Arlington VA 22202
Phone: (b)(6)
Fax: (202) 646-3347
Email: (b)(6)@associates.dhs.gov

From: (b)(6) (CTR)
Sent: Monday, August 16, 2010 4:33 PM
To: (b)(6)
Cc: (b)(6) (CTR)
Subject: FW: FOIA 07-508 Legacy

(b)(6)
Please give the modification to (b)(6) so she can assign it to proper team.

(b)(6) (CTR)
Front Rowe, Inc.
FOIA Case Prep Team Lead
Federal Emergency Management Agency
Room 401, Crystal City FEMA
1800 South Bell Street, 4th Floor
Arlington, VA 20598-3005
Phone: (b)(6)
Fax: (202) 646-3347
(b)(6)@Associates DHS Gov

From: (b)(6)
Sent: Monday, August 16, 2010 3:20 PM
To: (b)(6)
Subject: FW: FOIA 07-508 Legacy

Hello,
Can you advise if this was one of your legacy request? If so, OCC has completed its review and its ready for modifications. Thanks.

From: (b)(6)
Sent: Friday, August 13, 2010 2:32 PM
To: (b)(6)
Subject: FOIA 07-492 Legacy

Please advise if this is one of your requests. I have the program office response in my office. This is ready for closeout. Thanks

(b)(6)
Senior FOIA Specialist
Department of Homeland Security (DHS)
Federal Emergency Management Agency (FEMA)
Disclosure Office

1800 South Bell Street
Arlington, VA 20598-3005
(b)(6) (office)

(b)(6)

(CTR)

From: (b)(6)@dhs.gov]
Sent: Thursday, August 05, 2010 11:54 AM
To: (b)(6) (CTR)
Cc: FEMA-FOIA, (b)(6) (CTR)
Subject: FW: FOIA 07-508

Importance: High

Hello,

(b)(5)

From: (b)(6)
Sent: Thursday, July 01, 2010 1:15 PM
To: (b)(6) (CTR)
Cc: (b)(6) (CTR); (b)(6) (CTR); Hines, Tammi; (b)(6); (b)(6)
Subject: FW: FOIA 07-508
Importance: High

(b)(6)

(b)(5)

Thanks

(b)(6)
Senior FOIA Specialist
Disclosure Branch
Records Management Division

(b)(6)

From: (b)(6)
Sent: Thursday, July 01, 2010 1:00 PM
To: (b)(6)
Subject: FW: FOIA 07-508 (CTR)

FYI

(b)(6)
Senior FOIA Specialist
Disclosure Branch
Records Management Division
(b)(6)

From: Allgood, Pepper (mailto:(b)(6)@joneswalker.com]
Sent: Thursday, July 01, 2010 12:52 PM

To: (b)(6)
Subject: FOIA 07-508

(b)(6)

Can you please tell me when I will receive documents in response to FOIA 07-508?

And can you please tell me what has to happen for me to get those documents?

Thank you.

Pepper Allgood
Jones, Walker, Waechter,
Poitevent, Carrere & Denegre, L.L.P.
8555 United Plaza Blvd.
Baton Rouge, LA 70809
(b)(6) (voice)
225 248.3038 (fax)
(b)(6) @joneswalker.com

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(b)(6) (CTR)

From: (b)(6)
Sent: Monday, June 07, 2010 1:59 PM
To: (b)(6)
Cc: (b)(6) (CTR); (b)(6) (b)(6) (b)(6)
Subject: (b)(6) Pugh, Amy; (b)(6) (b)(6)
FW: b6 names (b)(6)

(b)(5)

thks

(b)(6)
Senior FOIA Specialist
Disclosure Branch
Records Management Division
(b)(6)

From: (b)(6) @dhs.gov]
Sent: Monday, June 07, 2010 1:54 PM
To: (b)(6)
Subject: RE: b6 names

(b)(5)

(b)(6)
Senior Attorney General Law
FEMA Office of Chief Counsel
Department of Homeland Security
500 C Street SW, Suite 715
Washington, DC 20472
(b)(6)
202-646-3958 (fax)

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From: (b)(6) @dhs.gov]
Sent: Monday, June 07, 2010 1:51 PM
To: (b)(6)
Subject: b6 names
Importance: High

(b)(6)

(b)(5)

(b)(6)

Senior FOIA Specialist
Disclosure Branch
Records Management Division

(b)(6)

(b)(6)

From: MW-EXADMIN
Sent: Wednesday, March 26, 2008 1:31 PM
To: FEMA-FOIA
Cc: (b)(6)
Subject: RE: FOIA Request: FEMA 07-508

Mr. (b)(6)

It appears that our previous prediction for starting your request was incorrect. Some of the request in queue before yours took longer than we originally projected. As of today, we estimate July 1st as the start date for FOIA request 07-508. I apologize for any inconvenience this may cause.

Our team has been investigating some options to increase the accuracy of our predictions.

Feel free to e-mail us at any time to check on the status of your request.

Have a great day.

(b)(6)

(b)(6)

National Email Administration Team
DHS/FEMA
IT-OP-IS-ITSC

(b)(6)

@dhs.gov

From: FEMA-FOIA
Sent: Wednesday, March 26, 2008 12:54 PM
To: MW-EXADMIN
Cc: (b)(6)
Subject: FOIA Request: FEMA 07-508

Good Afternoon,

According to the attached e-mail, (b)(6) stated FOIA request 07-508 would begin processing in early April. Given the adjustment of priorities IT has to deal with, is this still the case? Please advise us of its pending progress.

Thank you.

Respectfully,

(b)(6)

FOIA Administrative Specialist
Records Management Division
Office of Management
Federal Emergency Management Agency
Phone: (b)(6)

3/26/2008

(b)(6)

From: MW-EXADMIN
Sent: Tuesday, February 12, 2008 10:54 AM
To: (b)(6)
Cc: (b)(6)
Subject: RE: FOIA Request: FEMA 07-508

(b)(6)

Due to DHS OIG and FEMA OGC mailbox restore requests taking a higher priority, your FOIA request is seventh in our work queue. It is anticipated that we will begin processing your request in early April and it is expected to take 25-30 working days to complete.

Thanks,

(b)(6)

(b)(6)

FEMA E-Mail Administration Team
IT-OP-IS-ITSC
540.542.2607
(b)(6)@dhs.gov

From: (b)(6)
Sent: Tuesday, February 12, 2008 6:37 AM
To: MW-EXADMIN
Subject: FOIA Request: FEMA 07-508

Good Morning,

We received an e-mail from the requester for this case wanting to know it's status. According to the case file, it was being processed as of September 18, 2007. It was approved by Rex Whitacre. Other people which may have been involved included (b)(6). Please advise us of the status of this request.

Thank you.

Respectfully,

(b)(6)

FOIA Administrative Specialist
Records Management Division
Office of Management
Federal Emergency Management Agency

2/12/2008

(b)(6)

From: MW-EXADMIN
Sent: Tuesday, September 18, 2007 4:12 PM
To: Whitacre, Rex
Cc: (b)(6)
Subject: RE: FOIA 07-508

OK with the approval of (b)(6)'s request, this put's (b)(6)'s request 3rd in queue. So it will be the end of October before this one will begin. With the time frame requested here it should be finished by Thanksgiving.

Thanks,

(b)(6)

From: Whitacre, Rex
Sent: Tuesday, September 18, 2007 3:46 PM
To: (b)(6) MW-EXADMIN
Subject: RE: FOIA 07-508

Guys,

I approve this request. Please provide (b)(6) an estimate of the time this request will take to complete.

Thanks,
REX

From: (b)(6)
Sent: Tuesday, September 18, 2007 1:58 PM
To: Whitacre, Rex
Subject: FW: FOIA 07-508

Rex,

Attached is a FOIA request and was told this needs your approval

Thank you.

(b)(6)

*FOIA Administrative Specialist
Office of Records Management
DHS / FEMA
500 C Street SW
Room 704
Washington, DC 20472
(b)(6) (office)
202-646-3761 (fax)
(b)(6) @dhs.gov*

9/18/2007

From: (b)(6)
Sent: Tuesday, September 18, 2007 1:46 PM
To: (b)(6)
Cc: (b)(6)
Subject: RE: FOIA 07-508

Any restore requests must be approved by Rex Whitacre.

Thanks,

(b)(6)

From: (b)(6)
Sent: Tuesday, September 18, 2007 1:42 PM
To: (b)(6)
Subject: FOIA 07-508

(b)(6)

I don't know if this is your subject of expertise, but I received the above FOIA request in the office and would like the responsive records researched and sent to the requester. If you have any questions, please feel free to contact me at the number below.

Thank you,

(b)(6)

*FOIA Administrative Specialist
Office of Records Management
DHS / FEMA
500 C Street SW
Room 704
Washington, DC 20472
(b)(6) (office)
202-646-3761 (fax)
(b)(6) @dhs.gov*

9/18/2007

(b)(6)

From: MW-EXADMIN
Sent: Tuesday, September 18, 2007 3:55 PM
To: Whitacre, Rex; (b)(6)
Cc: (b)(6)
Subject: RE: FOIA 07-508

As of now (b)(6) is busy with 1 request and one pending Rex's approval. That puts this one third if Rex approves the request from (b)(6) on September 7th. If this one is third it will place its completion date towards the end of October.

Rex let us know about (b)(6)'s request and we can get all of these in order.

Thanks,
(b)(6)

From: Whitacre, Rex
Sent: Tuesday, September 18, 2007 3:46 PM
To: (b)(6) MW-EXADMIN
Subject: RE: FOIA 07-508

Guys,

I approve this request. Please provide (b)(6) an estimate of the time this request will take to complete.

Thanks,
REX

From: (b)(6)
Sent: Tuesday, September 18, 2007 1:58 PM
To: Whitacre, Rex
Subject: FW: FOIA 07-508

Rex,

Attached is a FOIA request and was told this needs your approval.

Thank you,

(b)(6)
*FOIA Administrative Specialist
Office of Records Management
DHS / FEMA
500 C Street SW
Room 704
Washington, DC 20472
(b)(6) (office)*

9/18/2007

202-646-3761 (fax)

(b)(6)@dhs.gov

From: (b)(6)
Sent: Tuesday, September 18, 2007 1:46 PM
To: (b)(6)
Cc: (b)(6)
Subject: RE: FOIA 07-508

Any restore requests must be approved by Rex Whitacre.

Thanks,

(b)(6)

From: (b)(6)
Sent: Tuesday, September 18, 2007 1:42 PM
To: (b)(6)
Subject: FOIA 07-508

(b)(6)

I don't know if this is your subject of expertise, but I received the above FOIA request in the office and would like the responsive records researched and sent to the requester. If you have any questions, please feel free to contact me at the number below.

Thank you,

(b)(6)

*FOIA Administrative Specialist
Office of Records Management
DHS / FEMA
500 C Street SW
Room 704
Washington, DC 20472
(b)(6) (office)
202-646-3761 (fax)
(b)(6)@dhs.gov*

9/18/2007

(b)(6)

From: Whitacre, Rex
Sent: Tuesday, September 18, 2007 3:46 PM
To: (b)(6) MW-EXADMIN
Subject: RE: FOIA 07-508

Guys,

I approve this request. Please provide (b)(6) an estimate of the time this request will take to complete.

Thanks,
REX

From: (b)(6)
Sent: Tuesday, September 18, 2007 1:58 PM
To: Whitacre, Rex
Subject: FW: FOIA 07-508

Rex,

Attached is a FOIA request and was told this needs your approval.

Thank you,

(b)(6)

*FOIA Administrative Specialist
Office of Records Management
DHS / FEMA
500 C Street SW
Room 704
Washington, DC 20472
(b)(6) (office)
202-646-3761 (fax)
(b)(6) @dhs.gov*

From: (b)(6)
Sent: Tuesday, September 18, 2007 1:46 PM
To: (b)(6)
Cc: (b)(6)
Subject: RE: FOIA 07-508

Any restore requests must be approved by Rex Whitacre.

Thanks

(b)(6)

9/18/2007

From: (b)(6)
Sent: Tuesday, September 18, 2007 1:42 PM
To: (b)(6)
Subject: FOIA 07-508

(b)(6)

I don't know if this is your subject of expertise, but I received the above FOIA request in the office and would like the responsive records researched and sent to the requester. If you have any questions, please feel free to contact me at the number below.

Thank you,

(b)(6)

*FOIA Administrative Specialist
Office of Records Management
DHS / FEMA
500 C Street SW
Room 704
Washington, DC 20472*

(b)(6) (office)

202-646-3761 (fax)

(b)(6) @dhs.gov

9/18/2007

(b)(6)

From: (b)(6)
Sent: Tuesday, September 18, 2007 1:58 PM
To: Whitacre, Rex
Subject: FW: FOIA 07-508
Attachments: FOIA 07-508.pdf

Rex,

Attached is a FOIA request and was told this needs your approval.

Thank you,

(b)(6)

*FOIA Administrative Specialist
Office of Records Management
DHS / FEMA
500 C Street SW
Room 704
Washington, DC 20472
(b)(6) (office)
202-646-3761 (fax)
(b)(6)@dhs.gov*

From: (b)(6)
Sent: Tuesday, September 18, 2007 1:46 PM
To: (b)(6)
Cc: (b)(6)
Subject: RE: FOIA 07-508

Any restore requests must be approved by Rex Whitacre.

Thanks,

(b)(6)

From: (b)(6)
Sent: Tuesday, September 18, 2007 1:42 PM
To: (b)(6)
Subject: FOIA 07-508

(b)(6)

I don't know if this is your subject of expertise, but I received the above FOIA request in the office and would like the responsive records researched and sent to the requester. If you have any questions, please feel free to contact me at the number below.

Thank you.

(b)(6)

9/18/2007

*FOIA Administrative Specialist
Office of Records Management
DHS / FEMA
500 C Street SW
Room 704*

Washington DC 20472

(b)(6) (office)

202-646-3761 (fax)

(b)(6) @dhs.gov

(b)(6)

From: (b)(6)
Sent: Tuesday, September 18, 2007 1:42 PM
To: (b)(6)
Subject: FOIA 07-508
Attachments: FOIA 07-508.pdf

(b)(6)

I don't know if this is your subject of expertise, but I received the above FOIA request in the office and would like the responsive records researched and sent to the requester. If you have any questions, please feel free to contact me at the number below.

Thank you,

(b)(6)

*FOIA Administrative Specialist
Office of Records Management
DHS / FEMA
500 C Street SW
Room 704
Washington, DC 20472
(b)(6) (office)
202-646-3761 (fax)
(b)(6)@dhs.gov*

9/18/2007

P3.1282

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED] (b)(6)
Subject: Audubon Nature Institute - Project Worksheet Number {1607} 3830 Appeal {Additional Follow-Up}
Date: Thursday, December 14, 2006 2:08:02 PM

Hello [REDACTED] (b)(6)

Thanks for the additional information. The shipping information applicable to the Sandhill Cranes is adequate and the estimate for the Whooping Cranes appeals to be reasonable. Our FEMA partner, Mr. [REDACTED] (b)(6) is a copied recipient on this communiqué and he may have additional items or comments to add; at this time, I do not.

Thanks for the follow-up and I will be in touch with you as soon as I hear from [REDACTED] or his FEMA peers.

Thanks very much!

[REDACTED] (b)(6)

[REDACTED] (b)(6)
Appeals Specialist
Governor's Office of Homeland Security and Emergency Management
State of Louisiana
[REDACTED] (b)(6)

From: [REDACTED] (b)(6) [REDACTED]@AudubonInstitute.org]
Sent: Thursday, December 14, 2006 13:00
To: [REDACTED] (b)(6)
Cc: [REDACTED] (b)(6)
Subject: RE: Audubon Nature Institute - Project Worksheet Number {1607} 3830 Appeal {Additional Follow-Up}

[REDACTED] (b)(6)

The costs associated with transporting the Mississippi Sandhill cranes were ~ \$200.00 since they were in Mississippi. We just found out the Whooping Crane will be coming from Washington D.C. and the shipping and related cost will total about \$500.00. Do you need anything else? I am working on collecting the documentation.

Thanks,

[REDACTED] (b)(6)
Disaster Recovery Coordinator
Audubon Nature Institute
(504) 212-5146 Office
[REDACTED] (b)(6) Cell
(504) 862-7306 Fax

From: [REDACTED] (b)(6) [REDACTED]@associates.dhs.gov]
Sent: Wednesday, November 29, 2006 1:06 PM
To: [REDACTED] (b)(6)
Cc: [REDACTED] (b)(6)
Subject: Audubon Nature Institute - Project Worksheet Number {1607} 3830 Appeal {Additional Follow-Up}

(b)(6)

From: (b)(6) (OGA)

Sent: Tuesday, May 13, 2008 3:05 PM

To: (b)(6)

Cc: (b)(6) (b)(6)

Subject: FW: FOIA Requests

(b)(6)

Below in the email traffic the CIO is asking a few questions concerning the FOIA requests notice that was sent to her. Please get back with her concerning her questions. To help you if you are viewing this on a BB below is a synopsis, she said:

Request number 05-286 subject description was cut off. Also need to know whether the names listed are FEMA employees

Request number 07-508 does not have a subject line. IT does not know what you are requesting.

She will let you know what she can do by 5/23/08 if she receive a completed response to the above two questions by COB Wednesday, May 14th, 2008.

(b)(6)

PMP

LT, US Public Health Service

Executive Officer

DHS/FEMA/OM-RM

500 C St. SW

Washington, DC 20472

Maildrop: Rm 301

1800 South Bell St.

Office (b)(6)

Cellular (b)(6)

Fax (202) 646-3347

Email: (b)(6)@dhs.gov

USPHS Commissioned Corps Mission – Protecting, promoting and advancing the health and safety of our nation

From: (b)(6)

Sent: Tuesday, May 13, 2008 2:58 PM

To: (b)(6)

Cc:

Subject: FW: FOIA Requests

Yours to respond to (b)(6)

(b)(6)

Executive Officer

Office of Management (OM)

Federal Emergency Management Agency

Department of Homeland Security

Phone: (b)(6)

5/14/2008

Fax: 202-646-3761

Email: (b)(6)@dhs.gov

From: (b)(6)@dhs.gov]

Sent: Tuesday, May 13, 2008 2:50 PM

To: FEMA-DIRECTOR-OFFICE-OF-MANAGEMENT

Cc: Davila, Carlos; (b)(6)

Subject: RE: FOIA Requests

Request number 05-286 subject description was cut off. Also need to know whether the names listed are FEMA employees

Request number 07-508 does not have a subject line. IT does not know what you are requesting.

I will let you know what I can do by 5/23/08 if I receive a completed response to the above two questions by COB Wednesday, May 14th, 2008.

Thank you,

(b)(6) CIO/Director
Information Technology Division
DHS/FEMA
(b)(6)

From: FEMA-DIRECTOR-OFFICE-OF-MANAGEMENT

Sent: Tuesday, May 13, 2008 2:42 PM

To: (b)(6)
Subject: FOIA Requests

Good morning/afternoon Ms. (b)(6)

I am writing to request your assistance in reducing a significant backlog of Freedom of Information Act (FOIA) requests that we have at FEMA. The Records Management Division (RMD) currently has 541 open FOIA requests. As you are aware, we only have 20 working days to respond to a FOIA request in order to be statutorily compliant. Most of the request we have significantly exceed the required response times. Attached is a listing of all pending FOIA requests within your Directorate/Office. I ask that you review this list and provide the following information: 1) if this FOIA request belongs in your component 2) the current status of your response, and 3) your expectation of completing your response by **COB May 23, 2008, if not able to complete by May 23 then when?**

The underlying principles of the FOIA are the federal government's openness, transparency, and accountability to the people. The FOIA generally provides that any person has a right, enforceable in court, to obtain access to federal agency records, except to the extent that such records (or portions thereof) are protected from disclosure by one of nine FOIA exemptions. In Executive Order 13392, President Bush directed federal agencies to improve their FOIA programs and focus on customer service.

We as an agency, for a variety of reasons, have not been as responsive as required. I ask for your assistance in providing a focus on the FOIA requests assigned to your program/office to eliminate the backlog and provide timely responses to new FOIA requests.

If you require assistance in developing responses or have any questions or comments please send email to FEMA-FOIA@dhs.gov or contact my POC Ms. (b)(6) Deputy Director of Disclosure at (202) 646-3102.

(b)(6)
Director, Office of Management/
Chief Acquisition Officer
Federal Emergency Management Agency

5/14/2008

Department of Homeland Security
Washington, DC 20472
Phone: (b)(6)

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5/14/2008

From: (b)(6)
Sent: Tuesday, May 11, 2010 6:50 AM
To: (b)(6)
Cc: (b)(6)
Subject: FW: RE: FOIA 07-508--status

Importance: High

Good Morning (b)(6)

Mr. Allgood gave us the search terms (below) back in 2008. We should be able to narrow the responsive documents significantly with these terms. Let me know how that works and see if we are able to do the interim release or a final response (hopefully).

thks

(b)(6)
Senior FOIA Specialist
Disclosure Branch
Records Management Division
(b)(6)

From: (b)(6)
Sent: Monday, May 10, 2010 2:21 PM
To: (b)(6)
Subject: FW: RE: FOIA 07-508--status

(b)(6)

Please see the attached for search terms given to (b)(6) in 2008 in an effort to reduce the search.

(b)(6)
Supervisory Program Analyst
Management Directorate
Office of Records Management
Disclosure Office/ Records Mgt.
DHS/FEMA
office (b)(6)
fax 504-762-2802
cell (b)(6)
(b)(6)@dhs.gov

From: Allgood, Pepper [mailto:(b)(6)@joneswalker.com]
Sent: Thursday, May 06, 2010 6:18 PM
To: (b)(6)
Subject: FW: RE: FOIA 07-508--status

(b)(6)

I do hope the people conducting the search on our old FOIA 07-508 recall that it was limited to certain search terms pursuant to the email below.

Could you please check on this?

Thanks

Pepper Allgood
Jones, Walker, Waechter,
Poitevent, Carrere & Denegre, L.L.P.
8555 United Plaza Blvd.
Baton Rouge, LA 70809
(b)(6) (voice)
225.248.3038 (fax)
(b)(6)@joneswalker.com

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From: Davis, Daniel
Sent: Monday, February 25, 2008 4:26 PM
To: (b)(6)
Cc: Allgood, Pepper
Subject: RE: FOIA 07-508--status

Ms. (b)(6)

Thanks for your update on FOIA 07-508. I have reviewed the correspondence on this file, and I want to make a point of clarification. I submitted FOIA request 07-508 on behalf of my client, Unified Recovery Group, LLC ("URG"). I am URG's attorney handling this matter. I have consulted with URG about the possibility of narrowing the scope of this request, perhaps by providing you with search terms that could pinpoint specific emails. I provided a similar set of search terms to (b)(6) at her suggestion, in connection with URG's FOIA request no. 07-073. URG is willing to provide the following revised scope:

Provide any and all emails sent to or received from (or copied/forwarded/cc'd to or from) the email addresses identified in the original FOIA request (07-508) that contain any of the following terms:

(b)(6)

(b)(6)

Please do not restrict your search to the body of the emails, but also search the subject lines, to/from lines, etc.

I understand that once a response is forthcoming, my client will then have the option to (1) abandon any further search, (2) modify the request further, or (3) proceed with the original FOIA request without losing its place in the queue. Narrowing the request is intended to expedite this process, and I understand that it will not result in the request losing its place in the queue. (In fact, my impression is that once we agree to this narrower scope, the search will begin immediately).

I truly appreciate your personal attention to this matter. Please do not hesitate to call me if any of this needs to be clarified or modified.

Dan

Daniel B. Davis

Jones, Walker, Waechter, Poitevent,

Carrère & Denègre, L.L.P.

8555 United Plaza Boulevard

Four United Plaza, Fifth Floor

Baton Rouge, Louisiana 70809-7000

Telephone (b)(6)

Facsimile 225 248 3082

Email (b)(6)@joneswalker.com

This message contains information from the Jones Walker law firm which is directed to and intended for the use of the individual or entity named above. The information is confidential or privileged. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this message is prohibited. We have taken precautions to minimize the risk of transmitting software viruses, but we advise you to carry out your own virus checks on any attachment to this message. We cannot accept liability for any loss or damage caused by software viruses. If you have received this electronic message in error, please notify us immediately by telephone at (225) 248-2000. Thank you.

From: (b)(6) [redacted]@dhs.gov]
Sent: Tuesday, February 12, 2008 5:01 PM
To: Davis, Daniel
Subject: FW: FOIA 07-508--status

Mr. Davis,

These files were returned to the FEMA FOIA Office for continued processing. Please indicate how you would like to narrow the scope of your request and hopefully we can expedite the processing.

Thanks for your patience!

(b)(6) [redacted]

Disclosure Officer
Records Management Division
Office of Management
Federal Emergency Management Agency
Phone: (b)(6) [redacted]

From: Davis, Daniel [mailto:(b)(6)@joneswalker.com]
Sent: Monday, February 11, 2008 11:51 AM
To: (b)(6) [redacted]
Cc: Allgood, Pepper
Subject: FOIA 07-508
(b)(6) [redacted]

As I told you on Friday, I submitted a FOIA request on August 29, 2007 asking for emails sent to or from Mr. (b)(6) [redacted] during a specified period of time. I listed 3 addresses he may have used during that time. On September 21, 2007 I got a letter from (b)(6) [redacted] notifying me that FEMA needed 10 more days. I never heard anything after that.

I would appreciate a chance to discuss that request when you have a moment. I could very easily provide you with a list of keywords for a search that could narrow the request, if that would speed things up. (Similar to the way we have proceeded with my other FOIA request.)

Thanks,

Dan

Daniel B. Davis
Jones, Walker, Waechter, Poitevent,
Carrère & Denègre, L.L.P.
8555 United Plaza Boulevard
Four United Plaza, Fifth Floor
Baton Rouge, Louisiana 70809-7000
Telephone (b)(6) [redacted]
Facsimile 225 248 3082
Email (b)(6) [redacted]@joneswalker.com

This message contains information from the Jones Walker law firm which is directed to and intended for the use of the individual or entity named above. The information is confidential or privileged. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this message is prohibited. We have taken precautions to minimize the risk of transmitting software viruses, but we advise you to carry out your own virus checks on any attachment to this message. We cannot accept liability for any loss or damage caused by software viruses. If you have received this electronic message in error, please notify us immediately by telephone at (225) 248-2000. Thank you.

Daniel B. Davis
Jones, Walker, Waechter, Poitevent,

Carrère & Denègre , L.L.P.
8555 United Plaza Boulevard
Four United Plaza, Fifth Floor
Baton Rouge, Louisiana 70809-7000
Telephone (b)(6)
Facsimile 225 248 3082
Email (b)(6)@joneswalker.com

This message contains information from the Jones Walker law firm which is directed to and intended for the use of the individual or entity named above. The information is confidential or privileged. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this message is prohibited. We have taken precautions to minimize the risk of transmitting software viruses, but we advise you to carry out your own virus checks on any attachment to this message. We cannot accept liability for any loss or damage caused by software viruses. If you have received this electronic message in error, please notify us immediately by telephone at (225) 248-2000. Thank you.

(b)(6)

From: FEMA-FOIA
Sent: Wednesday, May 14, 2008 11:34 AM
To: (b)(6)
Cc: FEMA-DIRECTOR-OFFICE-OF-MANAGEMENT; (b)(6)
Subject: FOIA Requests: FEMA 05-286 and 07-508
Attachments: FOIA 05-286.pdf; FOIA 07-508.pdf

Good Morning,

I've attached the original FOIA requests for 05-286 and 07-508 for your review.

From what I can tell in the 05-286 request, the names mentioned were/are FEMA Region VI employees. For 07-508, our last correspondence on March 26th with MW-EXADMIN indicated that the processing start date had to be changed from April 1st to July 1st due to processing priorities, but we're not sure if this is still the case.

Please let us know if you have any more questions.

Respectfully,

(b)(6)

FOIA Administrative Specialist
Records Management Division
Office of Management
Federal Emergency Management Agency
Phone: (b)(6)

5/14/2008

*Addendum to the Summary Sheet

FEMA FOIA #07-508

2nd Interim

V O I D

Requester:

Mr. Daniel B. Davis
Jones, Walker, Waechter,
Poitevent, Carrère & Denègre L.L.P.
8555 United Plaza Boulevard
Four United Plaza, Fifth Floor
Baton Rouge, Louisiana 70809-7000

NOTE: FEMA FOIA # 07-508 consists of approximately 74,093 pages. This is the 2nd interim release, consisting of 1,211 pages and the following consultation/referral documents:

Department of Army	4 pages
Department of Interior	2 pages
Government Accountability Office	3 pages

FEMA FOIA requested information – August 22, 2007, clarification in an effort to narrow the scope of the request. NOTE: The documents located within interim two were processed based upon the guidance provided during the time of the FOIA processing review and the information previously released in interim one, by OCC, and Senior FEMA FOIA Analyst.

Requested Information (Please see the attached original request letter, dated August 29, 2007:

August 29, 2007 the requester wrote: I want to make a point of clarification. I submitted FOIA request 07-508 on behalf of my client, Unified Recovery Group, LLC ("URG"). I am URG's attorney handling this matter. I have consulted with URG about the possibility of narrowing the scope of this request, perhaps by providing you with search terms that could pinpoint specific emails. I provided a similar set of search terms to Ms. Papoi, at her suggestion, in connection with URG's FOIA request no. 07-073. URG is willing to provide the following revised scope:

Provide any and all emails sent to or received from (or copied/forwarded/cc'ed to or from) the email addresses identified in the original FOIA request (07-508) that contain any of the following terms:

(b)(6)



(b)(6)



Correspondence: Attached is the 2nd interim release letter.

(b)(5)



FOIA Analyst: (b)(6) (CTR)

Date: January 11, 2011

(b)(5)



MISC

- drafts,
etc.

VOID

INTER

TO: (Name,

NSMITTAL SLIP

Agency/Post)	Initials	Date Rcvd	Date Cleared
list			
1.			
2. Dr. Anthony M. Bennett: Disclosure Branch Chief			
3. (b)(6) : FOIA Specialist	(b)(6)		1-11-2011
4. BENNETT : Team Lead		2/7/11	2/17/11
5. (b)(6)	(b)(6)	2/17/11	3/2/11*
6. Dr. Anthony M. Bennett: Disclosure Branch Chief			

FEMA FOIA # 07-508, 2nd Interim

Action	File	Note and Return
Approval	For Review	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Info	Comment
Concurrence	Investigate	Signature
Coordination	Justify	Other (Note below)

REMARKS:

This is the 2nd interim FOIA release regarding FEMA FOIA 07-508.

1,210 pgs

NOTE: Please review the 1st interim Summary and Addendum to the Summary Report

(b)(5)

FROM: (Name, org. symbol, Agency/Post)
(b)(6) (CTR)

Location: (b)(6)

Phone Number: (b)(6)



FEMA

Mr. Daniel B. Davis
Jones, Walker, Waechter,
Poitevent, Carrère & Denègre L.L.P.
8555 United Plaza Boulevard
Four United Plaza, Fifth Floor
Baton Rouge, Louisiana 70809-7000

Re: ^{2 spaces} FOIA 07-508

Dear Mr. Davis:

This is the second interim response to your August 29, 2007, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). This office received your request on August 22, 2007. On February 25, 2008, you clarified your FOIA request in an effort to narrow the scope by providing the following search terms:

A search of the Information Technology Division for documents responsive to your request produced a total of ~~one thousand, two hundred and twenty~~ 1,220 pages. Of those pages, we have determined that ~~one thousand, two hundred and ten~~ 1,210 pages are partially releasable pursuant to Title 5 U.S.C. § 552, (b)(2) high, (b)(4), (b)(5) and (b)(6). Four pages are being referred to the Department of Army, three pages are being referred to the Department of Interior and three pages are being referred to the Government Accountability Office.

FOIA Exemption 2(h) protects information applicable to internal administrative and personnel matters, such as operating rules, guidelines, and manuals of procedures of examiners or adjudicators, to the extent that disclosure would risk circumvention of an agency regulation or statute, impede the effectiveness of an agency's activities, or reveal sensitive information that may put the security and safety of an agency activity or employee at risk. Whether there is any public interest in disclosure is legally irrelevant. Rather, the concern under high 2 is that a FOIA disclosure should not benefit those attempting to violate the law and avoid detection

FOIA Exemption 4 protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. The courts have held that this subsection protects (a) confidential commercial information, the disclosure of which is likely to cause substantial harm to the competitive position of the person who submitted the information and (b) information that was voluntarily submitted to the government if it is the kind of information that the provider would not customarily make available to the public. I reviewed the responsive documents, the submitter's objections to release, and relevant case law, and I determined that portions are exempt from disclosure under subsection (b)(4) of the FOIA and must be withheld in order to protect the submitter's proprietary interests.

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, it has been determined that portions of the responsive documents qualify for protection under the following privilege(s):

- **Deliberative Process Privilege**

The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

(b)(5) We will continue to process the remainder of the documents responsive to your request and will continue to make interim releases until all responsive documents have been processed.

FOIA 07-508

Mr. Daniel B. Davis

3

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. As a courtesy, FEMA will not charge the fees incurred in the processing of this request.

If you need to contact our office about this matter, please refer to **FEMA 07-508**. This office can be reached at (202) 646-3323 or by e-mail at FEMA-FOIA@dhs.gov.

Sincerely,

Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure(s): Responsive Documents on a CD {1,211 pages}

(b)(5)



FEMA

Daniel B. Davis
Jones Walker
8555 United Plaza Blvd.
Baton Rouge, LA 70809-7000

Re: **FEMA 07-508**

Dear Mr. Davis:

This is the second interim response to your August 29, 2007, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). This office received your request on September 7, 2007. You requested copies of any and all emails sent either to or from the following email addresses between August 25, 2005 and August 28, 2007:

• [REDACTED] (b)(6)
•
•

We have considered your request under the Freedom of Information Act, 5 U.S.C. § 552. We conducted a search of the Information Technology Services Directorate for documents responsive to your request and produced a total of 1,211 pages. In order for us to assist you in the most timely manner possible, we are providing you documents responsive to your request on a rolling basis. In addition, we are processing other documents responsive to your request.

The records are partially releasable pursuant to 5 U.S.C. § 552(b)(2)high, (b)(5), and (b)(6). We have enclosed a copy of the documents to be released in response to your request. Any redactions are accompanied by the corresponding FOIA exemption:

FOIA Exemption 2(high) protects information applicable to internal administrative and personnel matters, such as operating rules, guidelines, and manuals of procedures of examiners or adjudicators, to the extent that disclosure would risk circumvention of an agency regulation or statute, impede the effectiveness of an agency's activities, or reveal sensitive information that may put the security and safety of an agency activity or employee at risk. Whether there is any public interest in disclosure is legally irrelevant. Rather, the concern under high 2 is that a FOIA disclosure should not benefit those attempting to violate the law and avoid detection.

Daniel B. Davis
FEMA 07-508

2

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, it has been determined that portions of the responsive documents qualify for protection under the following privilege(s):

- **Deliberative Process Privilege**

The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

During our search for responsive records, of the 1,211 pages produced, our office located an additional 4 pages under the purview of the U.S. Army Corps of Engineers (USACE), and 2 pages under the purview of the U. S. Department of the Interior. Therefore, I am transferring your request along with those responsive documents, to the respective FOIA Officers for processing and direct response to you. You may contact that office in writing or by phone:

U.S. Army Humphreys Engineer Support Center
ATTN: CEHEC-OC
7701 Telegraph Road
Alexandria, VA 22315-3860
Phone number: 703-428-7633

Daniel B. Davis
FEMA 07-508

3

(b)(6)
Departmental FOIA Officer (MS-7438 MIB)
U.S. Department of the Interior
Office of the Chief Information Officer
1849 C Street, N.W.
Washington, DC 20240
Phone number: (b)(6)

Also, during our search for responsive records, our office located an additional 3 pages under the purview of the U.S. Government Accountability Office (GAO), which are available on the GAO website. As a courtesy, we are including a copy of these records for you.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge pursuant to 6 C.F.R. § 5.11(d)(4).

If you need to contact our office about this matter, please refer to **FEMA 07-508**. This office can be reached at (202) 646-3323 or by e-mail at FEMA-FOIA@dhs.gov.

Sincerely,

Tammi Hines, Acting Director
Records Management Division
Office of the Chief Administrative Officer
Mission Support Bureau
Federal Emergency Management Agency

Enclosure: Responsive documents, 3 pages and 1 CD



FEMA

MEMORANDUM FOR: U.S. Army Humphreys Engineer Support Center, FOIA Officer
U.S. Army Corp of Engineers

FROM: Tammi Hines, Acting Director
Records Management Division
Office of the Chief Administrative Officer
Mission Support Bureau
Federal Emergency Management Agency

SUBJECT: **FEMA 07-508**

During our search for responsive records, we located records that originated within the Federal Emergency Management Agency (FEMA). Therefore, we are transferring the responsive documents, totaling four (4) pages, to you for your review and direct response to the requester.

The requester has been notified of this transfer. A copy of the transmittal letter is attached.

Enclosure(s): FOIA request letter
FOIA transmittal letter
Responsive documents, 4 pages



FEMA

MEMORANDUM FOR: Alexandra Mallus, Departmental FOIA Officer
U.S. Department of the Interior

FROM: Tammi Hines, Acting Director
Records Management Division
Office of the Chief Administrative Officer
Mission Support Bureau
Federal Emergency Management Agency

SUBJECT: **FEMA 07-508**

During our search for responsive records, we located records that originated within the Federal Emergency Management Agency (FEMA). Therefore, we are transferring the responsive documents, totaling two (2) pages, to you for your review and direct response to the requester.

The requester has been notified of this transfer. A copy of the transmittal letter is attached.

Enclosure(s): FOIA request letter
FOIA transmittal letter
Responsive documents, 2 pages

2 referrals

USACE

Dept of Interior

draft

Daniel B. Davis
Jones Walker
8555 United Plaza Blvd.
Baton Rouge, LA 70809-7000

Re: **FEMA 07-508**

Dear Mr. Davis:

This is the second interim response to your August 29, 2007, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). This office received your request on September 7, 2007. You requested copies of any and all emails sent either to or from the following email addresses between August 25, 2005 and August 28, 2007:

-
-
-

(b)(6)

We have considered your request under the Freedom of Information Act, 5 U.S.C. § 552. We conducted a search of the Information Technology Services Directorate for documents responsive to your request and produced a total of 1,211 pages. In order for us to assist you in the most timely manner possible, we are providing you documents responsive to your request on a rolling basis. In addition, we are processing other documents responsive to your request.

The records are partially releasable pursuant to 5 U.S.C. § 552(b)(2)high, (b)(5), and (b)(6). We have enclosed a copy of the documents to be released in response to your request. Any redactions are accompanied by the corresponding FOIA exemption:

FOIA Exemption 2(high) protects information applicable to internal administrative and personnel matters, such as operating rules, guidelines, and manuals of procedures of examiners or adjudicators, to the extent that disclosure would risk circumvention of an agency regulation or statute, impede the effectiveness of an agency's activities, or reveal sensitive information that may put the security and safety of an agency activity or employee at risk. Whether there is any public interest in disclosure is legally irrelevant. Rather, the concern under high 2 is that a FOIA disclosure should not benefit those attempting to violate the law and avoid detection.

Daniel B. Davis
FEMA 07-508

2

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, it has been determined that portions of the responsive documents qualify for protection under the following privilege(s):

- **Deliberative Process Privilege**

The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

During our search for responsive records, of the 1,211 pages produced, our office located an additional 4 pages under the purview of the U.S. Army Corps of Engineers (USACE), and 2 pages under the purview of the U. S. Department of the Interior. Therefore, I am transferring your request along with those responsive documents, to the respective FOIA Officers for processing and direct response to you. You may contact that office in writing or by phone:

U.S. Army Humphreys Engineer Support Center
ATTN: CEHEC-OC
7701 Telegraph Road
Alexandria, VA 22315-3860
Phone number: 703-428-7633

Daniel B. Davis
FEMA 07-508

3

(b)(6)

Departmental FOIA Officer (MS-7438 MIB)
U.S. Department of the Interior
Office of the Chief Information Officer
1849 C Street, N.W.
Washington, DC 20240
Phone number: (b)(6)

Also, during our search for responsive records, our office located an additional 3 pages under the purview of the U.S. Government Accountability Office (GAO), which are available on the GAO website. As a courtesy, we are including a copy of these records for you.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge pursuant to 6 C.F.R. § 5.11(d)(4).

If you need to contact our office about this matter, please refer to **FEMA 07-508**. This office can be reached at (202) 646-3323 or by e-mail at FEMA-FOIA@dhs.gov.

Sincerely,

Tammi Hines, Acting Director
Records Management Division
Office of the Chief Administrative Officer
Mission Support Bureau
Federal Emergency Management Agency

Enclosure: Responsive documents, 3 pages and 1 CD

MEMORANDUM FOR: Alexandra Mallus, Departmental FOIA Officer
U.S. Department of the Interior

FROM:

Tammi Hines, Acting Director
Records Management Division
Office of the Chief Administrative Officer
Mission Support Bureau
Federal Emergency Management Agency

SUBJECT:

FEMA-07-260

During our search for responsive records, we located records that originated within the Federal Emergency Management Agency (FEMA). Therefore, we are transferring the responsive documents, totaling two (2) pages, to you for your review and direct response to the requester.

The requester has been notified of this transfer. A copy of the transmittal letter is attached.

Enclosure(s): FOIA request letter
FOIA transmittal letter
Responsive documents, 2 pages

MEMORANDUM FOR: U.S. Army Humphreys Engineer Support Center, FOIA Officer
U.S. Army Corp of Engineers

FROM: Tammi Hines, Acting Director
Records Management Division
Office of the Chief Administrative Officer
Mission Support Bureau
Federal Emergency Management Agency

SUBJECT: **FEMA 07-508**

During our search for responsive records, we located records that originated within the Federal Emergency Management Agency (FEMA). Therefore, we are transferring the responsive documents, totaling four (4) pages, to you for your review and direct response to the requester.

The requester has been notified of this transfer. A copy of the transmittal letter is attached.

Enclosure(s): FOIA request letter
FOIA transmittal letter
Responsive documents, 4 pages

Daniel B. Davis
Jones Walker
8555 United Plaza Blvd.
Baton Rouge, LA 70809-7000

Re: **FEMA 07-508**

Dear Mr. Davis:

This is the second interim response to your August 29, 2007, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). This office received your request on September 7, 2007. You requested copies of any and all emails sent either to or from the following email addresses between August 25, 2005 and August 28, 2007:

- [REDACTED]
- [REDACTED]
- [REDACTED]

We have considered your request under the Freedom of Information Act, 5 U.S.C. § 552. We conducted a search of the Information Technology Services Directorate for documents responsive to your request and produced a total of 1,211 pages. In order for us to assist you in the most timely manner possible, we are providing you documents responsive to your request on a rolling basis. In addition, we are processing other documents responsive to your request.

The records are partially releasable pursuant to 5 U.S.C. § 552(b)(2)high, (b)(5), and (b)(6). We have enclosed a copy of the documents to be released in response to your request. Any redactions are accompanied by the corresponding FOIA exemption:

FOIA Exemption 2(high) protects information applicable to internal administrative and personnel matters, such as operating rules, guidelines, and manuals of procedures of examiners or adjudicators, to the extent that disclosure would risk circumvention of an agency regulation or statute, impede the effectiveness of an agency's activities, or reveal sensitive information that may put the security and safety of an agency activity or employee at risk. Whether there is any public interest in disclosure is legally irrelevant. Rather, the concern under high 2 is that a FOIA disclosure should not benefit those attempting to violate the law and avoid detection.

Mr. Pepper Allgood
Jones, Walker, Waechter,
Poitevent, Carrère & Denègre L.L.P.
8555 United Plaza Boulevard
Baton Rouge, Louisiana 70809-7000

Re: **FOIA 07-508**

Dear Mr. Allgood:

This is the second interim response to your August 29, 2007, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). This office received your request on August 22, 2007. On February 25, 2008, via email, you narrowed the scope of your FOIA request clarified your FOIA request in an effort to narrow the scope by providing the following search terms

(b)(6)

A search of the Information Technology Division for documents responsive to your request produced a total of one thousand, three hundred and nine, (1,309) pages. Of those pages, we have determined that one thousand, three hundred and five (1,305) pages are partially releasable pursuant to Title 5 U.S.C. § 552 (b)(6); four pages are being referred to the U.S. Army Corps of Engineers.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

We will continue to process the remainder of the documents responsive to your request and will continue to make interim releases until all responsive documents have been processed.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. As a courtesy, FEMA will not charge the fees incurred in the processing of this request.

If you have any questions or would like to discuss this matter, please contact Ms. Connie Cook at (b)(6) or electronically at (b)(6)@fema.gov.

Sincerely,

Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

| Enclosure(s): Responsive Documents, 1 CD-ROM, 1,305 pages

***Addendum to the Summary Sheet**

FEMA FOIA # 07-508, 3rd Interim response

Requester:

Mr. Daniel B. Davis
Jones, Walker, Waechter,
Poitevent, Carrère & Denègre L.L.P.
8555 United Plaza Boulevard
Four United Plaza, Fifth Floor
Baton Rouge, Louisiana 70809-7000

VOID

This is a 3rd interim response for FEMA FOIA # 07-508, consisting of 1,102 (1,104 minus 2 blank pages) of responsive pages that were processed consistently with the FOIA redactions in the 1 and 2nd interim response.

(b)(5)

*Addendum to the Summary Sheet

FEMA FOIA requested information – August 22, 2007, clarification in an effort to narrow the scope of the request.

(b)(5)

Requested Information (Please see the attached original request letter, dated August 29, 2007:

August 29, 2007 the requester wrote: I want to make a point of clarification. I submitted FOIA request 07-508 on behalf of my client, **Unified Recovery Group, LLC ("URG")**. I am URG's attorney handling this matter. I have consulted with URG about the possibility of narrowing the scope of this request, perhaps by providing you with search terms that could pinpoint specific emails. I provided a similar set of search terms to Ms. Papoi, at her suggestion, in connection with URG's FOIA request no. 07-073. URG is willing to provide the following revised scope:

Provide any and all emails sent to or received from (or copied/forwarded/cc'ed to or from) the email addresses identified in the original FOIA request (07-508) that contain any of the following terms:

(b)(6)

***Addendum to the Summary Sheet**

Correspondence: Attached is the 3rd interim release letter.

(b)(5)

FOIA Analyst: (b)(6) (CTR)

Date: February 10, 2011



FEMA

Mr. Daniel B. Davis
Jones, Walker, Waechter,
Poitevent, Carrère & Denègre L.L.P.
8555 United Plaza Boulevard
Four United Plaza, Fifth Floor
Baton Rouge, Louisiana 70809-7000

Re: **FOIA 07-508**

Dear Mr. Davis:

This is the third interim response to your August 29, 2007, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). This office received your request on August 22, 2007. On February 25, 2008, you clarified your FOIA request in an effort to narrow the scope by providing the following search terms:

(b)(6)

A search of the Information Technology Division for documents responsive to your request produced a total of one thousand, one hundred and two (1,102) pages. Of those pages, we have determined that one thousand, fifty seven (1,057) pages are partially releasable pursuant to Title 5 U.S.C. § 552, (b)(4), (b)(5) and (b)(6), 6 pages are being withheld in their entirety, (b)(4), and thirty nine (39) pages are being withheld in their entirety under exemptions (b)(5).

FOIA Exemption 4 protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. The courts have held that this subsection protects (a) confidential commercial information, the disclosure of which is likely to cause substantial harm to the competitive position of the person who submitted the information and (b) information that was voluntarily submitted to the government if it is the kind of information that the provider would not customarily make available to the public. I reviewed the responsive documents, the submitter's objections to release, and relevant case law, and I determined that portions are exempt from disclosure under subsection (b)(4) of the FOIA and must be withheld in order to protect the submitter's proprietary interests.

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, it has been determined that portions of the responsive documents qualify for protection under the following privilege(s):

- **Deliberative Process Privilege**

The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

We will continue to process the remainder of the documents responsive to your request and will continue to make interim releases until all responsive documents have been processed.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Mr. Daniel B. Davis
FOIA 07-508

3

Provisions of the FOIA allow us to recover part of the cost of complying with your request. As a courtesy, FEMA will not charge the fees incurred in the processing of this request.

If you need to contact our office about this matter, please refer to **FEMA 07-508**. This office can be reached at (202) 646-3323 or by e-mail at FEMA-FOIA@dhs.gov.

Sincerely,

Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure(s): Responsive Documents on a CD, 1,057 pages

INTERNAL ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)

Initials

Date Rcvd

Date Cleared

1. : Admin Specialist

2. (b)(6) Acting Disclosure Branch Chief

3. (b)(6) : FOIA Specialist

11/02/2012

4. Antoinette Williams : Team Lead

5. Alecia Sillah : Team Lead

6. : OCC

7. : EA (for media, high visibility,
Congressional & other external affairs issues)

8. Alecia Sillah : Team Lead

9. (b)(6) Acting Disclosure Branch Chief

Action

File

Note and Return

Approval

For Review

Per Conversation

As Requested

For Correction

Prepare Reply

Circulate

For Your Info

Comment

Concurrence

Investigate

Signature

Coordination

Justify

Other (Note below)

REMARKS: Case # 09-330 (1st Interim 297 pgs.)

FROM: (Name, org. symbol, Agency/Post)

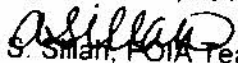
Location: (b)(6)

(b)(6)

Phone Number: (b)(6)

MEMO TO FILE (amended 2)

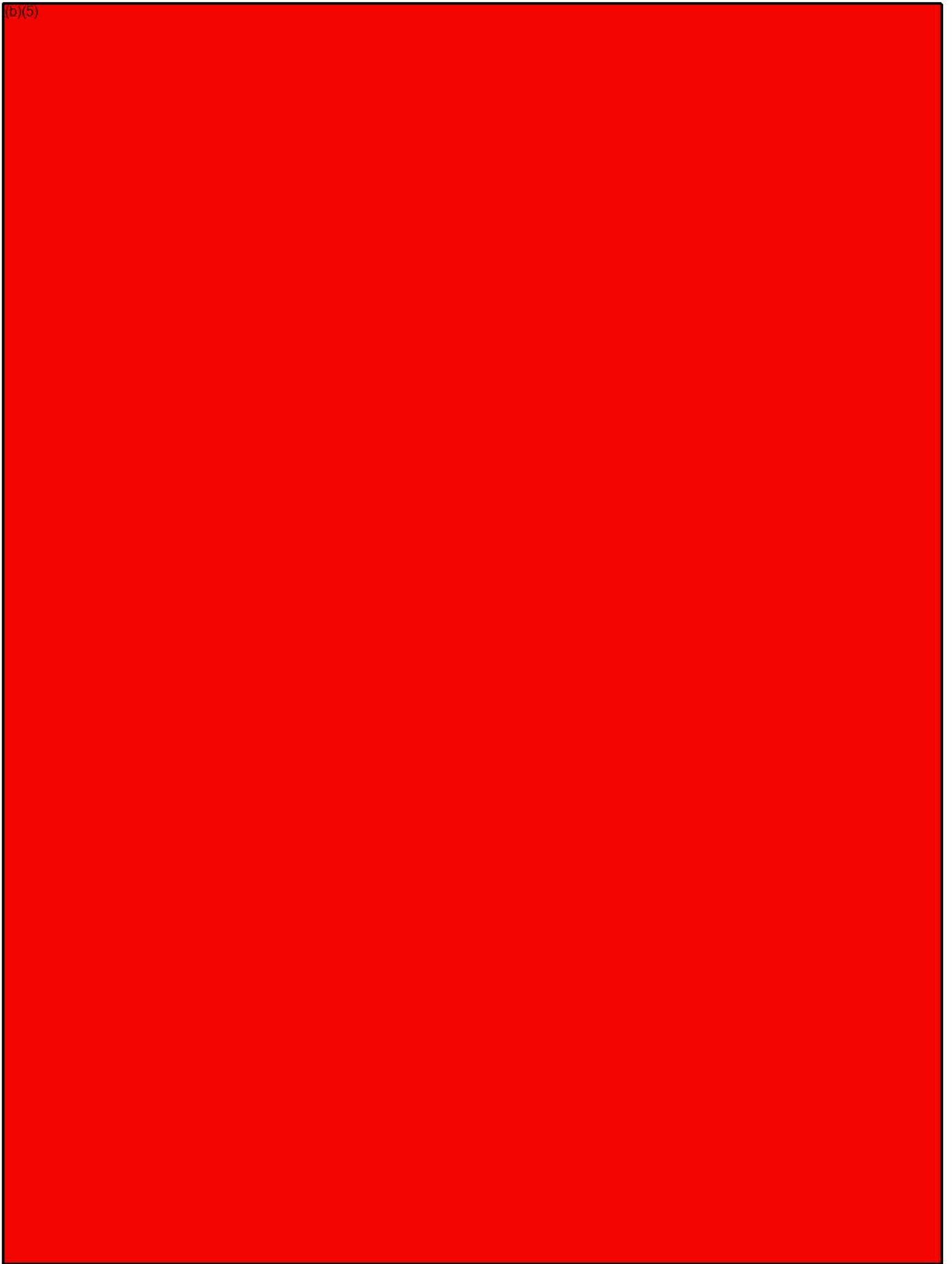
DATE: Monday, September 24, 2012

AUTHOR: Alecia S. Sillan, FOIA Team Lead 

SUBJECT: **FEMA 09-330** (Interim One) Submitter Notice Issues

(b)(5)





(b)(5)



VIA U.S. POST AND CERTIFIED MAIL

(b)(6)

NISTAC Project Director
NISTAC
200 Orchard Ridge Drive
Gaithersburg, Maryland 20878

Re: **FEMA 09-330 Amended**

Dear (b)(6)

removed
received a FOIA request

The enclosed pre-disclosure notification letter, dated May 10, 2011, and sent by U.S. certified mail advised you that the U.S. Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) from USA TODAY seeking:

1. Copies of any contracts or other agreements related to ~~the Agency's~~ ^{FEMA} administration of Public Assistance Program subsequent to Hurricanes Katrina or Rita. *This would...*
2. Copies of any invoices or payment demands, and records of any payments, made for services in administering the Public Assistance Program, or related to any of the contracts identified in Item 1 above.

As we advised you in that letter, in accordance with Executive Order 12600 and the DHS FOIA implementing regulations at 6 C.F.R. § 5.8, you had 10 working days to provide our office with your response regarding the release of information contained within the above referenced documents. We received your May 27, 2011 letter, which contained your objections to disclosure of contract HSFEHQ-06-D-0489.

By letter dated June 1, 2011, we advised you that "we [...] accepted your comments and withheld from release the information you deemed proprietary." We have since conducted another review of your objections and the responsive documents. After carefully considering your comments, we have concluded that your assertions supporting additional withholdings did not detail potential competitive harm with the requisite specificity we requested in our initial letter.

Enclosed are copies of the documents as we intend to release them, unless you obtain within 10 working days from the date of this letter a federal court order enjoining us from disclosing the specific information at issue.

If you have any questions regarding this release, you may contact me at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov and reference **FEMA 09-330 Amended**.

Sincerely,

Monique R. Booker-Kasper
Acting Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosures: Pre-Disclosure Notice, dated May 10, 2011
Certified Mail Receipt
Responsive Documents on CD (~~101~~ pages, redacted)

102

** new checklist*

Mr. Brad Heath
USA TODAY
1100 New York Avenue N.W.
Washington, District of Columbia 20005

Re: **FEMA 09-330** (First Interim)

Dear Mr. Heath:

This is the first interim response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA), dated February 3, 2009 and received by this office on March 6, 2009. You requested:

1. Copies of contracts or other agreements related to the Agency's administration of the Public Assistance program subsequent to hurricanes Katrina or Rita. This would include, but not limited to, any agreements for administration of the program, engineering services, architectural services, or application review and processing.
2. Copies of any invoices or payment demands, and records of any payments, made for services in administering the Public Assistance program, or related to any of the contracts identified in Item 1 above.

We have considered your request under the FOIA, 5 U.S.C. § 552. We conducted a search of FEMA's Public Assistance Division, Office of the Chief Financial Officer (OCFO), Office of the Chief Procurement Officer (OCPO) and Louisiana Transitional Recovery Office (TRO) for responsive documents. The search produced approximately 15,454 pages. For this interim release, we have reviewed 442 pages. Of those pages, it was determined that 214 pages are releasable in their entirety, 220 pages are partially releasable, and eight pages are withheld in their entirety pursuant to Title 5 U.S.C. § 552(b)(4) and (b)(6).

*Some of the pages are faded; however, they
is or are
our best
available
copies.*

FOIA Exemption 4 protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. The courts have held that this subsection protects (a) confidential commercial information, the disclosure of which is likely to cause substantial harm to the competitive position of the person who submitted the information and (b) information that was voluntarily submitted to the government if it is the kind of information that the provider would not customarily make available to the public. We reviewed the responsive documents, the submitter's objections to release, and relevant case law, and we determined that portions are exempt from disclosure under subsection (b)(4) of the FOIA and must be withheld in order to protect the submitter's proprietary interests.

FOIA Exemption 6 exempts from disclosure of personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

new appeals You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

We will continue to process the remaining documents responsive to your request.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because of the delay in responding to your request, we are waiving any fees associated with the processing of it.

If you need to contact our office again about this matter, please refer to **FEMA 09-330**. This office can be reached at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov.

Sincerely,

Monique R. Booker-Kasper
Acting Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: Responsive Documents on CD (442 pages)

Mr. Brad Heath
USA TODAY
1100 New York Avenue N.W.
Washington, District of Columbia 20005

Re: **FEMA 09-330**

Dear Mr. Heath:

This is the second interim response to your February 3, 2008, Freedom of Information Act (FOIA) request to the Federal Emergency Management Agency (FEMA). This office received your request on March 6, 2009. According to your request, you seek:

1. Copies of contracts or other agreements related to the Agency's administration of the Public Assistance program subsequent to hurricanes Katrina or Rita. This would include, but not limited to, any agreements for administration of the program, engineering services, architectural services, or application review and processing.
2. Copies of any invoices or payment demands, and records of any payments, made for services in administering the Public Assistance program, or related to any of the contracts identified in Item 1 above.

A search of the office of the Chief Procurement Officer for documents responsive to your request has resulted in an additional two hundred and fifty eight (258) pages. Of those pages, I have determined that seven (7) pages are releasable in their entirety, and two hundred and fifty one (251) pages are partially releasable, pursuant to Title 5 U.S.C. § 552 (b)(4) and (b)(6).

We have enclosed copies of the documents to be released in response to your request. The redactions are accompanied by the corresponding FOIA exemptions:

FOIA Exemption 4 protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. The courts have held that this subsection protects (a) confidential commercial information, the disclosure of which is likely to cause substantial harm to the competitive position of the person who submitted the information and (b) information that was voluntarily submitted to the government if it is the kind of information that the provider would not customarily make available to the public.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

We will continue to process the remainder of the documents responsive to your request and will continue to make interim releases until all responsive documents have been processed.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter must be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

We sincerely apologize for any inconvenience that our delay in responding to your request may have caused. As a courtesy, we are waiving any fees associated with the processing of your request.

If you need to contact our office about this request, please refer to **FEMA 09-330**. You may contact Ms. Connie Cook at (b)(6) or electronically at (b)(6)@dhs.gov.

Sincerely,

Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: One CD containing 258 pages of responsive documents

INTERNAL ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)

Initials

Date Rcvd

Date Cleared

1. : Admin Specialist

2. Monique Booker-Kasper: Disclosure Branch Chief

3. (b)(6) FOIA Specialist

(b)(6)

8-22-12

5/16/12

5/29/12

4. (b)(6) First Line Reviewer

8/10/12

8/16/12

5. : OCC

6. : EA (for media, high visibility, Congressional & other external affairs issues)

7.

8. Monique Booker- Kasper: Disclosure Branch Chief

Action

File

Note and Return

Approval

For Review

Per Conversation

As Requested

For Correction

Prepare Reply

Circulate

For Your Info

Comment

Concurrence

Investigate

Signature

Coordination

Justify

Other (Note below)

REMARKS: Case # 09-330

(b)(5)

FROM: (Name, org. symbol, Agency/Post)

Location: Rm. (b)(6)

Phone Number: (b)(6)

Mr. Brad Heath
USA TODAY
1100 New York Avenue N.W.
Washington, DC 20005

Re: **FEMA 09-330**

Dear Mr. Heath:

This is the first interim to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA), dated February 3, 2009 and received by this office on March 6, 2009. You requested:

1. Copies of contracts or other agreements related to the Agency's administration of the Public Assistance program subsequent to hurricanes Katrina or Rita. This would include, but not limited to, any agreements for administration of the program, engineering services, architectural services, or application review and processing.
2. Copies of any invoices or payment demands, and records of any payments, made for services in administering the Public Assistance program, or related to any of the contracts identified in Item 1 above.

In responding to your FOIA request, we conducted a search of FEMA's Office of the Chief Procurement Officer (OCPO) for responsive documents.

For this first interim release, we have reviewed 297 pages responsive to your request. Of those pages, we have determined that 247 pages of the records are releasable in their entirety, and 50 pages are partially releasable, pursuant to Title 5 U.S.C. § 552(b)(4) and (b)(6).

FOIA Exemption 4 protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. The courts have held that this subsection protects (a) confidential commercial information, the disclosure of which is likely to cause substantial harm to the competitive position of the person who submitted the information and (b) information that was voluntarily submitted to the government if it is the kind of information that the provider would not customarily make available to the public.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Disclosure Branch (FOIA Appeals), FEMA, 1800 South Bell Street, Fourth Floor, Arlington, Virginia 20598-3005. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because of the delay in responding to your request, we are waiving any fees associated with the processing of it.

If you need to contact our office again about this matter, please refer to **FEMA 09-330**. This office can be reached at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov.

Sincerely,

Monique R. Booker-Kasper
Acting Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: Responsive Documents on CD (297 pages)

SUMMARY SHEET

May 25, 2011

PURPOSE: To obtain the approval and signature on the final response to Freedom of Information Act (FOIA) request **FEMA 09-330**. This case has been referred to OGIS.

DISCUSSION: Mr. Brad Heath, USA Today, submitted a FOIA request seeking the following documents:

1. Copies of any contracts or other agreements related to the Agency's administration of the Public Assistance program subsequent to hurricanes Katrina or Rita. This would include, but not be limited to, any agreements for administration of the program, engineering services, architectural services or application review and processing.
2. Copies of any invoices or payment demands, and records of any payments, made for services in administering the Public Assistance program, or related to any of the contracts identified in Item 1 above.



(b)(5)

As at May 25, 2011, the Disclosure Office has not received any additional invoices or a page or a page count for the unreleasable records. The Disclosure Office has however, received correspondence and phone calls from 2 submitters requesting extensions and clarifications. Fluor Inc., the 3rd submitter has responded and returned copies of the contract highlighting the provisions Fluor believes should be redacted.



FEMA

Mr. Brad Heath
USA TODAY
1100 New York Avenue N.W.
Washington, DC 20005

Re: **FEMA 09-330**

Dear Mr. Heath:

This is the first interim response to your February 3, 2008, Freedom of Information Act (FOIA) request to the Federal Emergency Management Agency (FEMA). This office received your request on March 6, 2009. According to your request, you seek:

1. Copies of contracts or other agreements related to the Agency's administration of the Public Assistance program subsequent to hurricanes Katrina or Rita. This would include, but not limited to, any agreements for administration of the program, engineering services, architectural services, or application review and processing.
2. Copies of any invoices or payment demands, and records of any payments, made for services in administering the Public Assistance program, or related to any of the contracts identified in Item 1 above.

A search of the records of the Office of the Chief Procurement Officer for documents responsive to your request has resulted in a total of two hundred and ninety seven (297) pages. Of those pages, I have determined that two hundred and forty seven (247) pages are fully releasable, and fifty (50) pages are partially releasable, pursuant to Title 5 U.S.C. § 552 (b)(4) and (b)(6).

We have enclosed copies of the documents to be released in response to your request. The redactions are accompanied by the corresponding FOIA exemptions:

FOIA Exemption 4 protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. The courts have held that this subsection protects (a) confidential commercial information, the disclosure of which is likely to cause substantial harm to the competitive position of the person who submitted the information and (b) information that was voluntarily submitted to the government if it is the kind of information that the provider would not customarily make available to the public.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

We will continue to process the remainder of the documents responsive to your request and will continue to make interim releases until all responsive documents have been processed.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter must be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

We sincerely apologize for any inconvenience that our delay in responding to your request may have caused. As a courtesy, we are waiving any fees associated with the processing of your request.

If you need to contact our office about this request, please refer to **FEMA 09-330**. You may contact Ms. Connie Cook at (b)(6) or electronically at (b)(6)@dhs.gov.

Sincerely,

Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure (one CD) containing 297 pages of responsive documents.

(b)(6) (CTR)

From: (b)(6) (CTR)
Sent: Thursday, May 12, 2011 11:35 AM
To: (b)(6)
Subject: RE: Page count of withheld documents for 09-330

Good Morning (b)(6)

Thank you.

(b)(6) (CTR)
Front Rowe, Inc - Contractor
FOIA Specialist
Federal Emergency Management Agency
Room 401, FEMA Crystal City
1800 South Bell Street
Arlington VA 22202
Phone: (b)(6)
Fax: (202) 646-3347
Email: (b)(6)@associates.dhs.gov

From: (b)(6)
Sent: Thursday, May 12, 2011 11:35 AM
To: (b)(6) (CTR)
Subject: RE: Page count of withheld documents for 09-330

(b)(6)

The signed tracker for 09-330 is attached.

Thanks,

(b)(6)

From: (b)(6)
Sent: Thursday, April 28, 2011 11:22 AM
To: (b)(6) (CTR)
Cc: Brown, Cliff; (b)(6) Smith, Lashawn
Subject: RE: Page count of withheld documents for 09-330

Thank you (b)(6)

Depe,

I send the signed tracker and close this out.

(b)(6)

From: (b)(6)@dhs.gov]
Sent: Thursday, April 28, 2011 11:16 AM
To: Smith, Lashawn; (b)(6)
Cc: Brown, Cliff; (b)(6) (CTR); (b)(6)
Subject: RE: Page count of withheld documents for 09-330

Good Morning (b)(6)

I have provided to the Disclosure Branch all records necessary to satisfy the OCPO's requirement. I spoke with (b)(6) yesterday and found the information that is being withheld is related to invoices. The OCPO's office is not responsible for invoices. That information has to come from the CFO's office. (b)(6) is aware and is locating the POC in the CFO's office to get this portion of the requirement.

If you need anything else please let me know.

Thanks

(b)(6)

From: Smith, Lashawn [mailto:(b)(6)@fema.gov]
Sent: Thursday, April 28, 2011 11:11 AM
To: (b)(6) Smith, Lashawn
Cc: Brown, Cliff; (b)(6)
Subject: RE: Page count of withheld documents for 09-330

Sir,

Our FOIA point of contact is (b)(6) which whom I am collaborating with.

(b)(6) when time permits, can you please assist (b)(6) with his request.

Thank you,

LaShawn Smith

Contracting Officer, Team Lead
DHS/FEMA/OCPO/Recovery Branch
395 E Street, S.W., PP 5th Floor
Washington, DC 20472-3205
Business: (b)(6)

Difficulties Define Us...Success Refines Us

From: (b)(6) [mailto:(b)(6)@dhs.gov]
Sent: Thursday, April 28, 2011 9:52 AM
To: Smith, Lashawn
Cc: Brown, Cliff; (b)(6)
Subject: Page count of withheld documents for 09-330

Lashawn,

The FOIA HQ Office needs to know the number of pages of that are being withheld (non releasable) for request 09 330

Thanks,

(b)(6)

(b)(6)

Program Analyst

FEMA/Recovery Directorate

500 C St. Wash DC 20472

(b)(6)

Desk)

@dhs.gov

Cook, Connie

From: Cook, Connie
Sent: Friday, June 10, 2011 7:48 AM
To: Williams, Kevin D; (b)(6) FEMA-Finance-Vendor-Payments; (b)(6) Lowe,
Mary; Showers, Cindy; Murphy, Eddie
Cc: Black, Linda; Smith, Lashawn; Ingol, Lester; James, Harold; Clark, Jennifer; Teets, Greg;
Farley, Evan; Liebross, Audrey; Hardin, Jean; (b)(6) (b)(6) (b)(6) (b)(6)
Subject: (b)(6) Carter, Demetria; Savoy, Sherry; (b)(6) (CTR); (b)(6) (CTR)
RE: re. FOIA Request 09-330 - from back on 2/3/09 - copy of all invoices/contracts
administration Pub Assist Prog - i.e. since 8/29/05 (when Katrina stormed ashore) - ref. Fluor,
ERPMC, and NISTAC...
Importance: High

Good morning Mr. Williams,

Please permit me to clarify our office's (Disclosure Branch-FOIA) role. It is our responsibility to ask for and receive all responsive material from program offices, functional offices, etc., within FEMA, to fulfill all FOIA requests. That does not mean, however, that the material will be released to any requester, ever. It does mean that our office (in conjunction with the Office of Chief Counsel (OCC)) is responsible for reviewing this material, taking into complete consideration any recommendations provided by the source/originating office(s), and in regards to contracts, invoices, etc., the concerns of all submitters/companies, as well. The submitters are notified of the request, and are given an opportunity to provide input regarding the sensitivity, proprietary-nature, etc., of the material.

I assure you that we do not hesitate to communicate as frequently, as is warranted, with all parties that have a stake in the outcome of any FOIA request.

I have cc' d our Deputy Associate Chief Counsel, (b)(6) and the Disclosure Branch Chief (my supervisor), Dr. Anthony Bennett, on this message.

I sincerely hope that this addresses your concerns, Mr. Williams.

Respectfully,

Connie
Connie R. Cook
Department of Homeland Security
Federal Emergency Management Agency
Mission Support Bureau
Records Management Division

(b)(6)
(b)(6)@dhs.gov

From: Williams, Kevin D [mailto:Kevin.D.Williams@fema.gov]
Sent: Thursday, June 09, 2011 5:04 PM

To: (b)(6) FEMA-Finance-Vendor-Payments; (b)(6) Lowe, Mary; Cook, Connie; Showers, Cindy;

Murphy, Eddie

Cc: Black, Linda; Smith, Lashawn; Ingol, Lester; James, Harold; Clark, Jennifer; Teets, Greg; Farley, Evan; Liebross, Audrey; Hardin, Jean; (b)(6) (b)(6) (b)(6) Carter, Demetria; Savoy, Sherry
Subject: RE: re. FOIA Request - from back on 2/3/09 - copy of all invoices/contracts administration Pub Assist Prog - i.e. since 8/29/05 (when Katrina stormed ashore) - ref. Fluor, ERPMC, and NISTAC...

Folks,

I will share with you excerpts from a discussion Eddie and I had with one of the TAC Program Manager's this morning regarding the USA Today FOIA request. The TAC PM in no uncertain terms "absolutely prohibits" the release of his firm's labor categories and rates, which are contained on the requested invoices. The PM indicated "his firm considers the information contained on the invoices proprietary and it is not to be shared with the public".

In the interest of heading off potential litigation against FEMA the Office of General Council should be consulted and the individual with the final responsibility for making the decision to release the TAC invoices made aware of the potential consequences.

Thanks,

Kevin D. Williams
Deputy Chief/COTR
Public Assistance (PA) Division
PA/TAC Management Branch
202.646.1357 (office)
202.646.3288 (fax)

From: (b)(6)
Sent: Thursday, June 09, 2011 3:44 PM
To: FEMA-Finance-Vendor-Payments; Caldwell, Lindsey; Lowe, Mary; Cook, Connie; Showers, Cindy; Williams, Kevin D; Murphy, Eddie
Cc: Black, Linda; Smith, Lashawn; Ingol, Lester; James, Harold; Clark, Jennifer; Teets, Greg; Farley, Evan
Subject: re. FOIA Request - from back on 2/3/09 - copy of all invoices/contracts administration Pub Assist Prog - i.e. since 8/29/05 (when Katrina stormed ashore) - ref. Fluor, ERPMC, and NISTAC...
Importance: High

Cindy Showers (Chief, OCFO-FFC-MW-Vendor Payments Branch),

If you would, please get someone to pull the following contract/invoice files and Xerox (or, better yet, scan onto a disc) everything dated 8/29/05 and after and send to Connie Cook in Records Mgt for forwarding to USA Today, as per the Freedom of Information Act (Pub. L. 89-554, 1/4/66):

Current PA-TAC contracts:

HSFEHQ 06-D-0487 (Fluor Enterprises)
HSFEHQ 06-D-0488 (ERPMC [Emergency Response Program Mgt Consultants])
HSFEHQ-06-D-0489 (NISTAC [Nationwide Infrastructure Support Technical Assistance Consultants])

Prior PA-TAC contracts:

HSFEHQ-04-D-0126 (Fluor)
HSFEHQ-04-D-0127 (NISTAC)
HSFEHQ-04-D-0128 (ERPMC)

Needless to say, Connie, this is a pretty big job, so it may take a little while to get done (probably a week or two). Thanks! KCC

(b)(6)@dhs.gov

DHS/FEMA

OCFO, FEMA Finance Center

395 E St, SW; Patriots Plaza I, 6th-floor

Washington, DC 20472-3200

Desk: (b)(6)

Blackberry: (b)(6)

Fax: 202-646-4241

From: Cook, Connie [mailto:(b)(6)@fema.dhs.gov]

Sent: Thursday, June 09, 2011 11:23 AM

To: (b)(6)

Subject: Assistance please - Invoices

Importance: High

Good morning (b)(6)

(b)(6) suggested that perhaps you could assist me with a problem regarding invoices for a FOIA request. My team has had tremendous problems completing a FOIA request for contracts and invoices (see attachment) for a USA Today journalist. We have obtained the contracts from OCPO, and have been told that the Chief Financial Office is the office that could provide these invoices; yet our POC, Ms. Cherre Price, referred us to OCPO's Ms. (b)(6). We have had no positive response from Public Assistance or FEMA Louisiana TRO either

Please, would you assist me in determining how we can receive this material?

Thank you for any assistance.

Connie

Connie R. Cook

Leader, Special Projects

Department of Homeland Security

Federal Emergency Management Agency

Mission Support Bureau

Records Management Division

(b)(6)

(b)(6)

@dhs.gov



FEMA

10 MAY 2011

VIA U.S. POST AND CERTIFIED MAIL

Ms. (b)(6)

URS

Nationwide Infrastructure Support Technical Assistance Consultants (NISTSC)
200 Orchard Ridge Drive
Suite 101
Gaithersburg, MD 20878

Re: **FEMA 09-330**

Dear (b)(6)

The Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) has received a Freedom of Information Act (FOIA) request from USA TODAY seeking:

1. Copies of any contracts or other agreements related to the Agency's administration of the Public Assistance program subsequent to hurricanes Katrina or Rita.
2. Copies of any invoices or payment demands, and records of any payments, made for services in administering the Public Assistance Program, or related to any of the contracts identified in Item 1 above.

Executive Order 12600 and Section 5.8 of the DHS FOIA regulations¹ require us to provide to you, the business information submitter, notice that a third party has requested copies of your business information. This letter constitutes notice to you that a copy of the contract awarded under HSFEHQ-06-D-0489, consisting of 223 pages, is deemed responsive to the above referenced FOIA request and may contain the type of commercial information addressed in Executive Order 12600 and the DHS FOIA implementing regulations.

Federal agencies have a responsibility to protect sensitive business information from disclosure, and do so pursuant to Exemption 4 of the FOIA.² Exemption 4 protects "trade secrets and commercial or financial information... [that is] privileged or confidential." In determining whether submitted information is "confidential," the courts have articulated two standards depending upon whether the submission to the government was **required** or **voluntary**.³

¹ 6 C.F.R. § 5.8. The DHS regulations are available at www.dhs.gov.

² 5 U.S.C. § 552(b)(4).

1800 South Bell Street, Mail Stop 3005, Arlington, VA 20598-3005. Your response should refer to **FEMA 09-330**.

Finally, please be advised that this office must make an independent assessment regarding the release of these records. However, if we receive your response within 10 business days, we will give your comments and justifications for withholding careful consideration when we are making our final disclosure decision. Prior to releasing any documents, we will provide you with a final notice indicating what information will be released. If we determine that you have not provided sufficient justification to support withholding all the information you deemed confidential, our final notice will provide you 10 days to obtain a federal court order enjoining us from disclosing the specific information at issue.

If you have any questions regarding this matter, you may contact me at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov.

Sincerely,



Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: CD (223 pages)

(b)(5)

U.S. Department of Homeland Security
500 C Street, SW
Washington, DC 20472



FEMA

10 MAY 2011

VIA U.S. POST AND CERTIFIED MAIL

Ms. (b)(6)

URS

Nationwide Infrastructure Support Technical Assistance Consultants (NISTAC)
200 Orchard Ridge Drive
Suite 101
Gaithersburg, MD 20878

Re: FEMA 09-330

Dear Ms. (b)(6)

The Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) has received a Freedom of Information Act (FOIA) request from USA TODAY seeking:

1. Copies of any contracts or other agreements related to the Agency's administration of the Public Assistance program subsequent to hurricanes Katrina or Rita.
2. Copies of any invoices or payment demands, and records of any payments, made for services in administering the Public Assistance Program, or related to any of the contracts identified in Item 1 above.

Executive Order 12600 and Section 5.8 of the DHS FOIA regulations¹ require us to provide to you, the business information submitter, notice that a third party has requested copies of your business information. This letter constitutes notice to you that a copy of the contract awarded under HSHQ-06-D-0489, consisting of 223 pages, is deemed responsive to the above referenced FOIA request and may contain the type of commercial information addressed in Executive Order 12600 and the DHS FOIA implementing regulations.

Federal agencies have a responsibility to protect sensitive business information from disclosure, and do so pursuant to Exemption 4 of the FOIA.² Exemption 4 protects "trade secrets and commercial or financial information... [that is] privileged or confidential." In determining whether submitted information is "confidential," the courts have articulated two standards depending upon whether the submission to the government was **required** or **voluntary**.³

¹ 6 C.F.R. § 5.8. The DHS regulations are available at www.dhs.gov.

² 5 U.S.C. § 552(b)(4).

Commercial or financial information **required** to be submitted to the government is considered "confidential" if disclosure is likely to have either of the following two effects: (1) to impair the Government's ability to obtain necessary information in the future, or to result in a diminution of the "reliability" or "quality" of what will be submitted;⁴ or (2) to cause substantial harm to your competitive position.⁵

Commercial or financial information **voluntarily** submitted to the government is considered "confidential" if the information is of a kind that you would not customarily release to the public.⁶

Our preliminary analysis indicates that the requested information was a required submission. We have enclosed copies of the responsive documents. To assist this office in determining releasability of the content of these documents, please review the enclosed documents and provide your comments as to whether any of this information is confidential business information which should be withheld under FOIA Exemption 4.

If you have no objection to the release of this information, please provide a written response stating that you have no objections to the release.

If you believe that information should be withheld, you must return a copy of the documents, highlighting the information you want withheld. You must also provide a written response supporting the specific irreparable competitive harm that could result by releasing the information. Sufficient justification must include a detailed analysis of how release of the information would cause competitive harm, i.e., how release of unit prices would allow competitors to "reverse-engineer" the pricing in order to determine how the prices were derived, how future prices will be established, and how the current pricing structure at issue in this contract would be relevant for any future government contract. Separate determinations of confidentiality must be made for each type of information, as opposed to a determination being made on the confidentiality of the total package. Lastly, please indicate whether the information is normally made available to the public.

Because of the time constraints imposed by the FOIA, your comments and a copy of the relevant documents must be received by this office within ten (10) business days from receipt of this notice. If we do not receive your response by that date, we will assume that you do not object to release and your financial information may be released. Also, please be advised that pursuant to 6 C.F.R. § 5.8(f), "[i]nformation provided by the submitter that is not received by the component until after its disclosure decision has been made shall not be considered by the component." Please forward your comments to Dr. Anthony M. Bennett, Disclosure Branch Chief,

¹ Please be aware that voluntary participation in an activity, such as seeking a government contract, does not govern whether a particular submission is "voluntary." At issue is whether the submission of the information was required from those who chose to participate.

⁴ *Judicial Watch, Inc. v. Exp.-Imp. Bank*, 108 F.Supp.2d 19, 29 (D.D.C. 2000).

⁵ *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).

⁶ *Cent. of Mass. Energy Project, Inc. v. NRC*, 975 F.2d 871 (D.C. Cir. 1992), cert. denied, 113 S.Ct. 1579 (1993).

1800 South Bell Street, Mail Stop 3005, Arlington, VA 20598-3005. Your response should refer to **FEMA 09-330**.

Finally, please be advised that this office must make an independent assessment regarding the release of these records. However, if we receive your response within 10 business days, we will give your comments and justifications for withholding careful consideration when we are making our final disclosure decision. Prior to releasing any documents, we will provide you with a final notice indicating what information will be released. If we determine that you have not provided sufficient justification to support withholding all the information you deemed confidential, our final notice will provide you 10 days to obtain a federal court order enjoining us from disclosing the specific information at issue.

If you have any questions regarding this matter, you may contact me at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov.

Sincerely,



Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: CD (223 pages)



FEMA

10 MAY 2011

VIA U.S. POST AND CERTIFIED MAIL

(b)(6)

Emergency Response Program Management Consultants (ERPMC)
3101 Wilson Boulevard
Suite 900
Arlington, VA 22201

Re: **FEMA 09-330**

Dear Mr. (b)(6)

The Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) has received a Freedom of Information Act (FOIA) request from USA TODAY seeking:

1. Copies of any contracts or other agreements related to the Agency's administration of the Public Assistance program subsequent to hurricanes Katrina or Rita.
2. Copies of any invoices or payment demands, and records of any payments, made for services in administering the Public Assistance Program, or related to any of the contracts identified in Item 1 above.

Executive Order 12600 and Section 5.8 of the DHS FOIA regulations¹ require us to provide to you, the business information submitter, notice that a third party has requested copies of your business information. This letter constitutes notice to you that a copy of the contract awarded under HSFEHQ-06-D-0488, consisting of 78 pages, is deemed responsive to the above referenced FOIA request and may contain the type of commercial information addressed in Executive Order 12600 and the DHS FOIA implementing regulations.

Federal agencies have a responsibility to protect sensitive business information from disclosure, and do so pursuant to Exemption 4 of the FOIA.² Exemption 4 protects "trade secrets and commercial or financial information... [that is] privileged or confidential." In determining whether submitted information is "confidential," the courts have articulated two standards depending upon whether the submission to the government was **required** or **voluntary**.³

¹ 6 C.F.R. § 5.8. The DHS regulations are available at www.dhs.gov.
² 5 U.S.C. § 552(b)(4).

1800 South Bell Street, Mail Stop 3005, Arlington, VA 20598-3005. Your response should refer to **FEMA 09-330**.

Finally, please be advised that this office must make an independent assessment regarding the release of these records. However, if we receive your response within 10 business days, we will give your comments and justifications for withholding careful consideration when we are making our final disclosure decision. Prior to releasing any documents, we will provide you with a final notice indicating what information will be released. If we determine that you have not provided sufficient justification to support withholding all the information you deemed confidential, our final notice will provide you 10 days to obtain a federal court order enjoining us from disclosing the specific information at issue.

If you have any questions regarding this matter, you may contact me at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov.

Sincerely,



Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: CD (78 pages)



FEMA

VIA U.S. POST AND CERTIFIED MAIL

(b)(6)

Fluor Daniel Inc.,
2300 Clarendon Boulevard
Suite 1110
Arlington, VA 22201

Re: **FEMA 09-330**

Dear Ms. (b)(6)

The Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) has received a Freedom of Information Act (FOIA) request from USA TODAY seeking:

1. Copies of any contracts or other agreements related to the Agency's administration of the Public Assistance program subsequent to hurricanes Katrina or Rita.
2. Copies of any invoices or payment demands, and records of any payments, made for services in administering the Public Assistance Program, or related to any of the contracts identified in Item 1 above.

Executive Order 12600 and Section 5.8 of the DHS FOIA regulations¹ require us to provide to you, the business information submitter, notice that a third party has requested copies of your business information. This letter constitutes notice to you that a copy of the contract awarded under HSFEHQ-06-D-0487, consisting of 71 pages, is deemed responsive to the above referenced FOIA request and may contain the type of commercial information addressed in Executive Order 12600 and the DHS FOIA implementing regulations.

Federal agencies have a responsibility to protect sensitive business information from disclosure, and do so pursuant to Exemption 4 of the FOIA.² Exemption 4 protects "trade secrets and commercial or financial information...[that is] privileged or confidential." In determining whether submitted information is "confidential," the courts have articulated two standards depending upon whether the submission to the government was **required or voluntary**.³

¹ 6 C.F.R. § 5.8. The DHS regulations are available at www.dhs.gov.
² 5 U.S.C. § 552(b)(4).

FEMA 09-330

Ms. (b)(6)

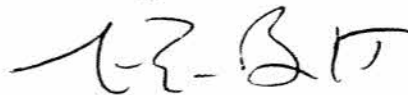
Page 3

1800 South Bell Street, Mail Stop 3005, Arlington, VA 20598-3005. Your response should refer to **FEMA 09-330**.

Finally, please be advised that this office must make an independent assessment regarding the release of these records. However, if we receive your response within 10 business days, we will give your comments and justifications for withholding careful consideration when we are making our final disclosure decision. Prior to releasing any documents, we will provide you with a final notice indicating what information will be released. If we determine that you have not provided sufficient justification to support withholding all the information you deemed confidential, our final notice will provide you 10 days to obtain a federal court order enjoining us from disclosing the specific information at issue.

If you have any questions regarding this matter, you may contact me at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov.

Sincerely,



Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: CD (71 pages)



Nationwide Infrastructure Service Technical Assistance Consultants

A Joint Venture of URS Group, Inc. and Dewberry & Davis LLC.

May 16, 2011

Dr. Anthony M. Bennett
Disclosure Branch Chief
1800 South Bell Street
Mail Stop 3005
Arlington, VA 20598-3005

Re: FEMA 09-330

Subject: FEMA 09-330, Freedom of Information Act (FOIA) request from USA Today
Regarding NISTAC PA TAC Contract HSFEHQ-06-D-0489

Dear Dr. Bennett:

This letter of clarification is provided in response to your May 10, 2011 letter to Nationwide Infrastructure Support Technical Assistance Consultants D (NISTAC) requesting information under a Freedom of Information Act (FOIA) request from USA Today.

Please confirm that FEMA's response to the subject FOIA request for "copies of contracts or other agreements related to the Agency's administration of the Public Assistance program subsequent to hurricanes Katrina or Rita" is to send a copy of NISTAC's contract (68 pages) and contract modifications (6 pages) attached to your May 10, 2011 notification to NISTAC, with the appropriate redactions as proposed by NISTAC and accepted by FEMA.

Please also confirm that FEMA's response to a request for "copies of any invoices or payment demands, and records of any payments, made for services in administering the Public Assistance Program, or related to any of the contracts identified in Item 1 above" is to not send any such NISTAC billing and payment information to USA Today.

Based on confirmation of the above, we will review only the responsive documents (NISTAC Contract and contract modifications) provided to NISTAC in the FOIA notification, and will respond with comments as to whether any of this information is confidential business information which should be withheld under FOIA Exemptions.

We request that, in accordance with FOIA guidelines, no additional NISTAC information will be provided to the requestor without prior review and comment by NISTAC.

We appreciate your timely response to this request for clarification so that we may meet our deadline for response.

If you have any questions, please contact me at (b)(6)

Sincerely,

(b)(6)

(b)(6)

NISTAC Project Director

200 Orchard Ridge Drive
Gaithersburg, MD 20878
TEL 301-258-9780
FAX 301-869-8728

*Decided that
to Ms.*

U.S. Department of Homeland Security
500 C Street, SW
Washington, DC 20472



FEMA

10 MAY 2011

VIA U.S. POST AND CERTIFIED MAIL

Ms. (b)(6)

URS

Nationwide Infrastructure Support Technical Assistance Consultants (NISTSC)
200 Orchard Ridge Drive
Suite 101
Gaithersburg, MD 20878

*Confidential
Proprietary*

Re: **FEMA 09-330**

Dear Ms. (b)(6)

The Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) has received a Freedom of Information Act (FOIA) request from USA TODAY seeking:

1. Copies of any contracts or other agreements related to the Agency's administration of the Public Assistance program subsequent to hurricanes Katrina or Rita.
2. Copies of any invoices or payment demands, and records of any payments, made for services in administering the Public Assistance Program, or related to any of the contracts identified in Item 1 above.

Executive Order 12600 and Section 5.8 of the DHS FOIA regulations¹ require us to provide to you, the business information submitter, notice that a third party has requested copies of your business information. This letter constitutes notice to you that a copy of the contract awarded under HSFEHQ-06-D-0489, consisting of 223 pages, is deemed responsive to the above referenced FOIA request and may contain the type of commercial information addressed in Executive Order 12600 and the DHS FOIA implementing regulations.

Federal agencies have a responsibility to protect sensitive business information from disclosure, and do so pursuant to Exemption 4 of the FOIA.² Exemption 4 protects "trade secrets and commercial or financial information...[that is] privileged or confidential." In determining whether submitted information is "confidential," the courts have articulated two standards depending upon whether the submission to the government was **required** or **voluntary**.³

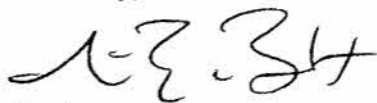
¹ 6 C.F.R. § 5.8. The DHS regulations are available at www.dhs.gov.
² 5 U.S.C. § 552(b)(4).

1800 South Bell Street, Mail Stop 3005, Arlington, VA 20598-3005. Your response should refer to **FEMA 09-330**.

Finally, please be advised that this office must make an independent assessment regarding the release of these records. However, if we receive your response within 10 business days, we will give your comments and justifications for withholding careful consideration when we are making our final disclosure decision. Prior to releasing any documents, we will provide you with a final notice indicating what information will be released. If we determine that you have not provided sufficient justification to support withholding all the information you deemed confidential, our final notice will provide you 10 days to obtain a federal court order enjoining us from disclosing the specific information at issue.

If you have any questions regarding this matter, you may contact me at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov.

Sincerely,



Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: CD (223 pages)



1100 New York Avenue, N.W. • Washington, DC 20005-3934
202-906-8150 phone • 202-926-8220 fax

FEA
09-330



February 3, 2009

MAR 06 2009

VIA FIRST CLASS MAIL

Freedom of Information Officer
Federal Emergency Management Agency
Office of the General Counsel
500 C Street, SW, Room 840
Washington, D.C. 20472

Re: Freedom of Information Act request

Dear Sir or Madam:

This is a request for records under the Freedom of Information Act, 5 U.S.C. § 552. In accordance with the act, I hereby request:

1. Copies of any contracts or other agreements related to the Agency's administration of the Public Assistance program subsequent to hurricanes Katrina or Rita. This would include, but is not limited to, any agreements for administration of the program, engineering services, architectural services, or application review and processing.
2. Copies of any invoices or payment demands, and records of any payments, made for services in administering the Public Assistance program, or related to any of the contracts identified in Item 1 above.

If possible, please furnish the records in an electronic format.

Because this is a request by the news media for information of significant public interest, I ask that you waive any search fees, in accordance with § 552(a)(4)(A)(ii)(II). If the cost of reproducing these records will exceed fifty dollars (\$50.00), please notify me before filling this request. I may be reached at (202) 906-8177, or by electronic mail at bheath@usatoday.com.

I remind you that the President has directed that the FOIA "be administered with a clear presumption: In the face of doubt, openness prevails." Memorandum for the Heads of Executive Dep'ts and Agencies, 74 Fed. Reg. 15,4683 (Jan. 26, 2009). This instruction is unambiguous: All agencies should adopt a presumption in favor of disclosure, in order to renew their

Dist. 2



FEMA

Mr. Brad Heath
USA TODAY
1100 New York Avenue, NW
Washington, DC 20005
bheath@usatoday.com

APR 08 2009

Re: FEMA 09-330

Dear Mr. Heath:

This acknowledges receipt of your February 3, 2008, Freedom of Information Act (FOIA) request to the Federal Emergency Management Agency (FEMA). You requested copies of contracts and/or agreements related to the Agency's administration of the Public Assistance program subsequent to hurricanes Katrina or Rita. Your request was received in this office on March, 6, 2008.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS interim FOIA regulations as they apply to media requestors. As a media requestor you will be charged 10-cents a page for duplication, although the first 100 pages are free. You stated in your request that you are willing to pay assessable fees up to \$ 50. You will be contacted before any additional fees are accrued.

We have queried the appropriate component of FEMA for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

More information concerning the FOIA and implementing DHS regulations is available on-line at: www.dhs.gov/xfoia/editorial_0318.shtml.

Your request has been assigned reference number 09-330. Please refer to this identifier in any future correspondence. You may contact this office at 202-646-3323 or electronically at FEMA-FOIA@dhs.gov.

Sincerely,

(b)(6)

Senior FOIA Specialist
Office of Records Management
Management Directorate

FEMA FOIA OFFICE

FOIA Case No: 09-330

Date: 5-12-2011

To: Public Affairs

(Public Assistance?)

Suspense Date (Information required in Disclosure Office):

If you have any questions, please contact:

Attachment(s): SEE REQUEST

INSTRUCTIONS FROM DISCLOSURE OFFICE:

- ☐ Search your records for responsive documents. (If your search locates voluminous records, please contact us with estimated number of pages and time to process records within 5 working days. The FOIA Office will contact the requester to see if we can narrow the scope of the request).
- ☐ Request you review the document(s) for release to the requestor.
- ☐ Upon completion of your review, return this form, the document(s) (if applicable) along with the unsigned final response letter to the requester to: FEMA FOIA Office.
- ☐ Record the time spent reviewing/coordinating on the request and the number of pages on the enclosed Processing Cost form.

COMMENTS FROM FEMA COMPONENT: (Check all that apply)

- ☐ Total release. Attach the document(s) that you are going to release to the requester.
- ☒ Recommend withholding information under FOIA exemption(s) _____
Attach document(s) with the information that is to be withheld bracketed and the appropriate FOIA exemption(s) placed in the adjacent margin(s).
- ☐ Recommend withholding the entire document(s) under the following FOIA exemptions(s). Attach the document(s) to be withheld in its/their entirety.
- ☐ NO RECORDS -- Our search failed to locate the responsive document(s). In order to fulfill a No Records request, please annotate below what and how you searched for responsive documents (i.e. database, hard files, etc.)
- We believe other FEMA office(s), DHS office(s), or other agencies should be involved in processing this request; recommend you contact:

The following statement must be signed by the appropriate Subject Matter Expert who processed FOIA. I certify that all appropriate files have been searched and all responsive documents have been reviewed, copied and provided to the FEMA FOIA Office.

(Name/Title)

Phone #

(Date)

2 Release as ordered, in accordance with instructions from
the Central Leg Office.

FOIA Case No: 09-330

Date. April 29, 2011

To Office of the Chief Financial Officer

Suspense Date (Information required in Disclosure Office): May 10, 2011

If you have any questions, please contact: (b)(6)

Attachment(s): SEE REQUEST

☒ Search your records for responsive documents. (If your search locates voluminous records, please contact us with estimated number of pages and time to process records within 5 working days. The FOIA Office will contact the requester to see if we can narrow the scope of the request).

- ☒ Request you review the document(s) for release to the requestor.
- ☒ Upon completion of your review, return this form, the document(s) (if applicable) along with the unsigned final response letter to the requester to: FEMA FOIA Office.
- ☒ Record the time spent reviewing/ coordinating on the request and the number of pages on the enclosed Processing Cost form.

☒ Total release. Attach the document(s) that you are going to release to the requester.

- ☐ Recommend withholding information under FOIA exemption(s) _____.
Attach document(s) with the information that is to be withheld bracketed and the appropriate FOIA exemption(s) placed in the adjacent margin(s).
- ☐ Recommend withholding the entire document(s) under the following FOIA exemption(s). Attach the document(s) to be withheld in its/their entirety.
- ☐ NO RECORDS - Our search failed to locate the responsive document(s). In order to fulfill a No Records request, please annotate below what and how you searched for responsive documents (i.e. database, hard files, etc.)

☒ We believe other FEMA office(s), DHS office(s), or other agencies should be involved in processing this request; recommend you contact: The Office of the Chief Procurement Officer

The following statement must be signed by the appropriate Subject Matter Expert who processed FOIA. I certify that all appropriate files have been searched and all responsive documents have been reviewed, copied and provided to the FEMA FOIA Office.

Admiral Officer
(Name/Title)

5/17/11
(Date)

FEMA FOIA OFFICE
Freedom of Information Act (FOIA) Suspense Tracker

FOIA Case No. 09-330

Date: Aug 20, 2009

For: (b)(6) FEMA Louisiana TRO

Suspense Date (Information required in Disclosure Office): Sep 3, 2009

If you have any questions, please contact:

(b)(6)

Attachment(s): SEE REQUEST

INSTRUCTIONS FROM DISCLOSURE OFFICE:

- ☒ Search your records for responsive documents. (If your search locates voluminous records, please contact us with estimated number of pages and time to process records within 5 working days. The FOIA Office will contact the requester to see if we can narrow the scope of the request).
- ☒ Request you review the document(s) for release to the requestor.
- ☒ Upon completion of your review, return this form, the document(s) (if applicable) along with the unsigned final response letter to the requester to: FEMA FOIA Office.
- ☒ Record the time spent reviewing/coordinating on the request and the number of pages on the enclosed Processing Cost form.

COMMENTS FROM FEMA COMPONENT: (Check all that apply)

- ☐ Total release. Attach the document(s) that you are going to release to the requester.
- ☐ Recommend withholding information under FOIA exemption(s) _____. Attach document(s) with the information that is to be withheld bracketed and the appropriate FOIA exemption(s) placed in the adjacent margin(s).
- ☐ Recommend withholding the entire document(s) under the following FOIA exemption(s). Attach the document(s) to be withheld in its/their entirety.
- ☒ **NO RECORDS** - Our search failed to locate the responsive document(s). In order to fulfill a No Records response, please annotate below what and how you searched for responsive documents (i.e. database, hard files, etc.).
The individuals sought are National Contacts - Check w/ PA
We believe other FEMA offices (i.e. DHS office, etc.) or other agencies may be involved in a processing the request. If so, please contact _____.

The following statement must be signed by the appropriate Subject Matter Expert who processed FOIA. I certify that all appropriate files have been searched and all responsive documents have been reviewed, signed and provided to the FEMA FOIA Office.

(b)(6)

(Name/Title)

(b)(6)

Phone #

(Date)

10/30/09

FEMA FOIA OFFICE
Freedom of Information Act (FOIA) Suspense Tracker

FOIA Case No: 09 330

Date: Feb 23, 2011

To: Office of the Chief Procurement Officer

Suspense Date (Information required in Disclosure Office): Mar 9, 2011

If you have any questions, please contact:

(b)(6)

Attachment: SEE REQUEST

INSTRUCTIONS FROM DISCLOSURE OFFICE:

- ☒ Search your records for responsive documents. (If your search locates voluminous records, please contact us with estimated number of pages and time to process records within 5 working days. The FOIA Office will contact the requester to see if we can narrow the scope of the request).
- ☒ Request you review the document(s) for release to the requester.
- ☒ Upon completion of your review, return this form, the document(s) (if applicable) along with the unsigned final response letter to the requester to: FEMA FOIA Office.
- ☒ Record the time spent reviewing/ coordinating on the request and the number of pages on the enclosed Processing Cost form.

COMMENTS FROM FEMA COMPONENT: (Check all that apply)

- ☐ I will release. Attach the document(s) that you are going to release to the requester.
- ☐ Recommend withholding information under FOIA exemption(s). Attach document(s) with the information that is to be withheld bracketed and the appropriate FOIA exemption(s) placed in the adjacent margin(s).
- ☐ Recommend withholding the entire document(s) under the following FOIA exemption(s). Attach the document(s) to be withheld in its/their entirety.
- ☒ No Records Found. Our search failed to locate the responsive document(s). In order to fulfill a No Records response, please indicate below what and how you searched for responsive document(s) (e. database, hard files, etc.)
- ☐ What other FEMA offices, DHS offices, or other agencies should be involved in processing this request? _____

The following statement must be signed by the appropriate Subject Matter Expert who processed FOIA. I certify that all appropriate files have been searched and all responsive documents have been reviewed, copied and provided to the FEMA FOIA Office.

(Name/Title) Phone: _____ Date: 2/28/2011
For the Contract Management Recovery Branch, the Agency has not awarded any contract to administer the Public Assistance program. The administrators of the program are Federal employees

FOIA Case No: 09-330

Date: ~~Feb 23 2011~~

To: Office of the Chief Procurement Office

Suspense Date (Information required in Disclosure Office): March 9, 2011

If you have any questions, please contact:

(b)(6)

Attachment(s): SEE REQUEST

☒ Search your records for responsive documents. (If your search locates voluminous records, please contact us with estimated number of pages and time to process records within 5 working days. The FOIA Office will contact the requester to see if we can narrow the scope of the request).

- ☒ Request you review the document(s) for release to the requestor.
- ☒ Upon completion of your review, return this form, the document(s) (if applicable) along with the unsigned final response letter to the requester to: FEMA FOIA Office.
- ☒ Record the time spent reviewing/coordinating on the request and the number of pages on the enclosed Processing Cost form.

COMMENTS FROM FEMA COMPONENT: (Check all that apply)

- ☐ Total release. Attach the document(s) that you are going to release to the requester.
- ☐ Recommend withholding information under FOIA exemption(s) _____
Attach document(s) with the information that is to be withheld bracketed and the appropriate FOIA exemption(s) placed in the adjacent margin(s).
- ☐ Recommend withholding the entire document(s) under the following FOIA exemptions(s). Attach the document(s) to be withheld in its/their entirety.
- ☐ NO RECORDS - Our search failed to locate the responsive document(s). In order to fulfill a No Records please annotate below what and how you searched for responsive documents(i.e. database, hard files, etc.)
- ☒ We believe other FEMA office(s), DHS office(s), or other agencies should be involved in processing this request; recommend you contact: DISCLOSURE PRAM

The following statement must be signed by the appropriate Subject Matter Expert who processed FOIA. I certify that all appropriate files have been searched and all responsive documents have been reviewed, copied and provided to the FEMA FOIA Office.

(Name/Title)

Phone #

3/29/2011

(Date)

FOIA Case No. 09-330

Date: ~~April 29, 2011~~ _____

To Office of the Chief Financial Officer

Suspense Date (Information required in Disclosure Office) May 10, 2011

If you have any questions, please contact:

Attachment(s): SEE REQUEST

☒ Search your records for responsive documents. (If your search locates voluminous records, please contact us with estimated number of pages and time to process records within 5 working days. The FOIA Office will contact the requester to see if we can narrow the scope of the request).

☒ Request you review the document(s) for release to the requestor.

☒ Upon completion of your review, return this form, the document(s) (if applicable) along with the unsigned final response letter to the requester to: FEMA FOIA Office.

☒ Record the time spent reviewing/coordinating on the request and the number of pages on the enclosed Processing Cost form.

☐ Total release. Attach the document(s) that you are going to release to the requester.

☐ Recommend withholding information under FOIA exemption(s) _____
 Attach document(s) with the information that is to be withheld bracketed and the appropriate FOIA exemption(s) placed in the adjacent margin(s).

☐ Recommend withholding the entire document(s) under the following FOIA exemption(s). Attach the document(s) to be withheld in its/their entirety.

NO RECORDS - Our search failed to locate the responsive document(s). In order to fulfill a No Records request, please annotate below what and how you searched for responsive documents (i.e. database, hard files, etc.)

X We believe other FEMA office(s), DHS office(s), or other agencies should be involved in processing this request. recommend you contact the Office of the Chief Procurement Officer.

The following statement must be signed by the appropriate Subject Matter Expert who processed FOIA. I verify that all appropriate files have been searched and all responsive documents have been reviewed, copied and provided to the FEMA FOIA Office.

Admission Officer
(Name/Title) P

Phone:

5/17/11
(Date)

FEMA FOIA OFFICE
Freedom of Information Act (FOIA) Suspense Tracker

FOIA Case No: 09-330

Date: Oct 4, 2010

To: (b)(6) Public Assistance

Suspense Date (Information required in Disclosure Office): Oct 15, 2010

If you have any questions, please contact: (b)(6)

Attachment(s): SEE REQUEST

INSTRUCTIONS FROM DISCLOSURE OFFICE:

☒ Search your records for responsive documents. (If your search locates voluminous records, please contact us with estimated number of pages and time to process records within 5 working days. The FOIA Office will contact the requester to see if we can narrow the scope of the request).

☒ Request

☒ Upon cc final res

☒ Record t enclosed

COMMENTS F

☐ Total rele

☐ Recomme Attach d exemption

☐ Recomme document

☐ NO RECORDS Our search failed to locate the responsive document(s). In order to fulfill a No Records please annotate below what and how you searched for responsive documents (i.e. database, hard files, etc.)

☐ We believe other FEMA officer(s), DHS officer(s), or other agencies should be involved in processing this request; recommend you contact:

The following statement must be signed by the appropriate Subject Matter Expert who processed FOIA. I certify that all appropriate files have been searched and all responsive documents have been reviewed, copied and provided to the FEMA FOIA Office.

(Name/Title)

Phone #

(Date)

see attached email from PA

(b)(6) (CTR)

From: (b)(6)
Sent: Thursday, October 07, 2010 9:24 AM
To: (b)(6) (CTR)
Subject: RE: FOIA 09-330

(b)(6)

We do not hold the contracts that this request is seeking.. This should be sent to the FEMA's Office of the Chief Procurement Officer as they are responsible for the contracts for administering the PA program.

Thanks.

(b)(6)

From: (b)(6) (CTR)
Sent: Friday, October 01, 2010 3:18 PM
To: (b)(6)
Cc: FEMA-FOIA
Subject: FOIA 09-330

Hello,

Attached is a FOIA request that we believe falls under your purview. Please review and provide me with a response, which includes any documents you have that are responsive to this request and the signed Suspense Tracker, no later than October 15, 2010.

Please note: If your component does not maintain responsive records regarding this FOIA request, please advise us as soon as possible. Also, please advise us if you know which component might have responsive documents.

If you have any questions or concerns, feel free to contact me below.

Thank you for your assistance.

(b)(6)

Front Rowe, Inc., Contractor
Case Preparation
Federal Emergency Management Agency
Room 401, FEMA Crystal City
1800 South Bell Street, 1th Floor
Arlington, VA 22202

(b)(6)

Phone

(202) 646-3347 Fax

(b)(6)

@associates.dhs.gov

HSFEHQ-06-D-0488

HSFEHQ-06-D-0489

Emergency Response Program Management Consultants (ERPMC)
Nationwide Infrastructure Support Technical Assistance Consultants (NISTAC)

(b)(6)

From: (b)(6) (CTR)

Sent: Tuesday, March 29, 2011 9:55 AM

To: (b)(6)

Cc: Bennett, Anthony M

Subject: 09-330

Good morning (b)(6)

Attached, as discussed, please find clarification of this request from the requestor. If this is in any way inadequate, pls. let me know ASAP so that I can follow-up with the requestor.

Assuming this clarification informs your search, pls. search again for responsive records. Thanks,

(b)(6)

(b)(6)

(CTR)

Front Rowe, Inc. - Contractor
Team Leader
Federal Emergency Management Agency
Room 466, FEMA Crystal City
1800 South Bell Street
Arlington, VA 22202

(b)(6)

@associates.dhs.gov

From: Heath, Brad [mailto:(b)(6)@usatoday.com]

Sent: Tuesday, March 29, 2011 9:54 AM

To: (b)(6)@fema.gov

Subject: PA Contracts

Thanks for following up.

As I mentioned when we spoke this morning, I'm trying to get copies of contracts and price lists for the contractors that did work for the PA program after hurricanes Katrina and Rita. It's my understanding from speaking (years ago) with the recovery office that much of the PA work conducted after those disasters was done by outside contractors. This included some program administration, architectural reviews, review of applications, damage estimates, etc. (Some local officials have said that even the final decisions about whether or not to approve a PA project - or how much to obligate - were made by contract staff.)

I hope this is helpful. Please let me know if there's anything else you need to further clarify this request.

Best,

Brad Heath
USA TODAY

Cook, Connie

From: [REDACTED] (b)(6) [REDACTED]@associates.fema.dhs.gov
Sent: Tuesday, April 12, 2011 2:57 PM
To: FEMA-FOIA
Cc: Cook, Connie
Subject: FW: FOIA 09-330
Attachments: 09-330 request.pdf

[REDACTED] (b)(6) (CTR)
Front Rowe, Inc. - Contractor
Team Leader
Federal Emergency Management Agency
Room 466, FEMA Crystal City
1800 South Bell Street
Arlington, VA 22202
[REDACTED] (b)(6) [REDACTED]@associates.dhs.gov

From: [REDACTED] (b)(6) [REDACTED]@fema.gov
Sent: Tuesday, April 12, 2011 2:56 PM
To: Smith, Lashawn
Cc: Murphy, Eddie; [REDACTED] (b)(6) (CTR); [REDACTED] (b)(6) Wilmot, John
Subject: FW: FOIA 09-330

Hi Lashawn,

The PA Division is responding to highly visible FOIA request 09-330 (see attached), and email string below. We need a copy of the contract(s), and associated price lists for the contractors that were in place for the PA program following hurricanes Katrina and Rita.

Please let me know if there questions, and how long you estimate it will take to have copies available.

Thank you!

[REDACTED] (b)(6)
[REDACTED] (b)(6)
Program Analyst
FEMA/Recovery Directorate
500 C St. Wash DC 20472
[REDACTED] (b)(6) (Desk)
[REDACTED] (b)(6) [REDACTED]@dhs.gov

From: Murphy, Eddie [mailto:Eddie.Murphy@dhs.gov]
Sent: Tuesday, April 12, 2011 12:23 PM
To: [REDACTED] (b)(6) (CTR); Williams, Kevin D; Murphy, Eddie; [REDACTED] (b)(6) Wilmot, John
Subject: RE: FOIA 09-330

[REDACTED] (b)(6)

We can provide a copy of the contracts and the price list, however, the information as to who has the final decision must be corrected. We do have contractors during much of the research and background information for Public Assistance, but the "Final Decision" is reserved for the Government decision maker (FEMA personnel).

Please submit the request to the Contracting Officer for release. If any costs are associated with this request, acquisition will coordinate with the FOIA Officer and provide an estimate.

Thanks.

Eddie Murphy

From: (b)(6) [redacted]@dhs.gov
Sent: Tuesday, April 12, 2011 12:10 PM
To: (b)(6) [redacted] (CTR); Williams, Kevin D; Murphy, Eddie; (b)(6) [redacted] Wilmot, John
Subject: FOIA 09-330

Hi (b)(6) [redacted]

Based on the input from the requester as stated in the attachment,

(b)(5) [redacted]

(b)(6) [redacted] John, Eddie, and Kevin – This is a FOIA request from USA Today (I sent a copy previously) seeking copies of contracts and price lists for the contractors that did work for the PA program after hurricanes Katrina and Rita. The requester stated in their clarification that, "It my understanding that much of the PA work conducted after those disasters was done by outside contractors. This included some program administration, architectural reviews, review of applications, damage estimates, etc. (Some local officials have said that even the final decisions about whether or not to approve a PA project – or how much to obligate – were made by contract staff.)"

The Office of Government Information Services (OGIS) is now involved, which I just learned is an Office of the National Archives that works with FOIA. I did not know they even existed until this morning. Their link.
<http://www.archives.gov/ogis/>

Thanks,

(b)(6) [redacted]

(b)(6) [redacted]

Program Analyst
FEMA/Recovery Directorate
500 C St. Wash DC 20472
(b)(6) [redacted] (Desk)
[redacted]@dhs.gov



1100 New York Avenue, N.W. • Washington, DC 20005-3934
202-906-8150 phone • 202-926-8220 fax

REMA
09-330



February 3, 2009

MAR 06 2009

VIA FIRST CLASS MAIL

Freedom of Information Officer
Federal Emergency Management Agency
Office of the General Counsel
500 C Street, SW, Room 840
Washington, D.C. 20472

Re: Freedom of Information Act request

Dear Sir or Madam:

This is a request for records under the Freedom of Information Act, 5 U.S.C. § 552. In accordance with the act, I hereby request:

1. Copies of any contracts or other agreements related to the Agency's administration of the Public Assistance program subsequent to hurricanes Katrina or Rita. This would include, but is not limited to, any agreements for administration of the program, engineering services, architectural services, or application review and processing.
2. Copies of any invoices or payment demands, and records of any payments, made for services in administering the Public Assistance program, or related to any of the contracts identified in Item 1 above.

If possible, please furnish the records in an electronic format.

Because this is a request by the news media for information of significant public interest, I ask that you waive any search fees, in accordance with § 552(a)(4)(A)(ii)(II). If the cost of reproducing these records will exceed fifty dollars (\$50.00), please notify me before filling this request. I may be reached at (202) 906-8177, or by electronic mail at bheath@usatoday.com.

I remind you that the President has directed that the FOIA "be administered with a clear presumption: In the face of doubt, openness prevails." Memorandum for the Heads of Executive Dep'ts and Agencies, 74 Fed. Reg. 15, 4683 (Jan. 26, 2009). This instruction is unambiguous: All agencies should adopt a presumption in favor of disclosure, in order to renew their

DESL G

commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA." *Id.*

If for any reason any portion of this request is denied, please provide written notice of the legal justification for the denial and an index of the documents or portions of documents withheld as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1972), cert. denied, 415 U.S. 977 (1972). Please also provide the name and address of the officer or body to which my appeal may be directed.

As you know, the Act, in § 552(a)(6), grants an agency no more than twenty working days in which to respond to this request.

I look forward to your prompt reply.

Sincerely,



Brad Heath

SUMMARY SHEET

PURPOSE: To obtain the approval and signature on the second interim response to Freedom of Information Act (FOIA) request **FEMA 09-330**.

DATE: May 29, 2012

DISCUSSION: Mr. Brad Heath, USA Today, submitted a FOIA request seeking the following documents:


1. Copies of any contracts or other agreements related to the Agency's administration of the Public Assistance program subsequent to hurricanes Katrina or Rita. This would include, but not be limited to, any agreements for administration of the program, engineering services, architectural services or application review and processing.
2. Copies of any invoices or payment demands, and records of any payments, made for services in administering the Public Assistance program, or related to any of the contracts identified in Item 1 above.

The case file appears to have all required documents to complete processing of this FOIA request. OCPO located responsive documents from three different contracts. There are 15,484 total pages of responsive documents. The contract companies were sent submitter's notices and their responses and suggested redactions are also included in the file. All of the bracketed documents are ready for legal (OCC) review. Interim responses will be sent to the requester until all responsive documents have been reviewed and redacted. The second interim response contains 186 pages (72 duplicate pages were removed).

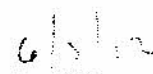
POINT OF CONTACT

(b)(6) KnowledgeBank

COORDINATION:



Dr. Anthony Bennett, Disclosure Branch Chief
Records Management Division



Date

Office of Chief Counsel

Date



FEMA

Mr. Brad Heath

USA TODAY

1100 New York Avenue, N.W.

Washington, DC 20005

23934

Re: FEMA 09-330

Dear Mr. Heath:

This is the second interim response to your February 3, 2008, Freedom of Information Act (FOIA) request to the Federal Emergency Management Agency (FEMA). This office received your request on March 6, 2009. According to your request, you seek:

1. Copies of contracts or other agreements related to the Agency's administration of the Public Assistance program subsequent to hurricanes Katrina or Rita. This would include, but not limited to, any agreements for administration of the program, engineering services, architectural services, or application review and processing.
2. Copies of any invoices or payment demands, and records of any payments, made for services in administering the Public Assistance program, or related to any of the contracts identified in Item 1 above.

A search of the records of the Office of the Chief Procurement Officer for documents responsive to your request has resulted in an additional two hundred and fifty eight (258) pages. Of those pages, I have determined that seven (7) pages are releasable in their entirety, and two hundred and fifty one (251) pages are partially releasable, pursuant to Title 5 U.S.C. § 552 (b)(4) and (b)(6).

We have enclosed copies of the documents to be released in response to your request. The redactions are accompanied by the corresponding FOIA exemptions:

FOIA Exemption 4 protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. The courts have held that this subsection protects (a) confidential commercial information, the disclosure of which is likely to cause substantial harm to the competitive position of the person who submitted the information and (b) information that was voluntarily submitted to the government if it is the kind of information that the provider would not customarily make available to the public.

(b)(5)

(b)(5)

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

We will continue to process the remainder of the documents responsive to your request and will continue to make interim releases until all responsive documents have been processed.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter must be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

We sincerely apologize for any inconvenience that our delay in responding to your request may have caused. ~~As a courtesy, we are waiving any fees associated with the processing of your request.~~

X media - status

If you need to contact our office about this request, please refer to **FEMA 09-330**. You may contact Ms. Connie Cook at (b)(6) or electronically at (b)(6)@dhs.gov.

(b)(5)

Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: One CD – containing 258 pages of responsive documents

Cook, Connie

09-330

From: Cook, Connie
Sent: Friday, June 10, 2011 7:53 AM
To: (b)(6)
Subject: RE: re. FOIA Request - from back on 2/3/09 - copy of all invoices/contracts administration Pub Assist Prog - i.e. since 8/29/05 (when Katrina stormed ashore) - ref. Fluor, ERPMC, and NISTAC...

Good morning (b)(6)

Thank you very much for your assistance with this matter. Please see my June 10 email response to Mr. Kevin Williams' email regarding his concerns about this material.

Connie
Connie R. Cook
Department of Homeland Security
Federal Emergency Management Agency
Mission Support Bureau
Records Management Division
(b)(6)
(b)(6)@dhs.gov

From: (b)(6)@fema.gov
Sent: Thursday, June 09, 2011 3:44 PM
To: FEMA-Finance-Vendor-Payments; (b)(6) Lowe, Mary; Cook, Connie; Showers, Cindy; Williams, Kevin D; Murphy, Eddie
Cc: Black, Linda; Smith, Lashawn; Ingol, Lester; James, Harold; Clark, Jennifer; Teets, Greg; Farley, Evan
Subject: re. FOIA Request - from back on 2/3/09 - copy of all invoices/contracts administration Pub Assist Prog - i.e. since 8/29/05 (when Katrina stormed ashore) - ref. Fluor, ERPMC, and NISTAC...
Importance: High

Cindy Showers (Chief, OCFO-FFC-MW-Vendor Payments Branch),

If you would, please get someone to pull the following contract/invoice files and Xerox (or, better yet, scan onto a disc) everything dated 8/29/05 and after and send to Connie Cook in Records Mgt for forwarding to USA Today, as per the Freedom of Information Act (Pub. L. 89-554, 7/4/66):

Current PA-TAC contracts:

HSFEHQ-06-D-0487 (Fluor Enterprises)
HSFEHQ-06-D-0488 (ERPMC [Emergency Response Program Mgt Consultants])
HSFEHQ-06-D-0489 (NISTAC [Nationwide Infrastructure Support Technical Assistance Consultants])

Prior PA-TAC contracts:

HSFEHQ-04-D-0126 (Fluor)
HSFEHQ-04-D-0127 (NISTAC)
HSFEHQ-04-D-0128 (ERPMC)

Needless to say, Connie, this is a pretty-big job, so it may take a little while to get done (probably a week or two)...Thanks! (b)(6)

(b)(6)@dhs.gov
DHS/FEMA
OCFO, FEMA Finance Center
395 E St, SW; Patriots Plaza I, 6th-floor
Washington, DC 20472-3200
Desk: (b)(6)
Blackberry: (b)(6)
Fax: 202-646-4241

From: Cook, Connie [mailto:(b)(6)@fema.dhs.gov]
Sent: Thursday, June 09, 2011 11:23 AM
To: (b)(6)
Subject: Assistance please - Invoices
Importance: High

Good morning (b)(6)

(b)(6) suggested that perhaps you could assist me with a problem regarding invoices for a FOIA request. My team has had tremendous problems completing a FOIA request for contracts and invoices (see attachment) for a USA Today journalist. We have obtained the contracts from OCPO, and have been told that the Chief Financial Office is the office that could provide these invoices; yet our POC, Ms. (b)(6) referred us to OCPO's Ms. (b)(6). We have had no positive response from Public Assistance or FEMA Louisiana TRO either

Please, would you assist me in determining how we can receive this material?

Thank you for any assistance.

Connie
Connie R. Cook
Leader, Special Projects
Department of Homeland Security
Federal Emergency Management Agency
Mission Support Bureau
Records Management Division

(b)(6)
(b)(6)@dhs.gov

Cook, Connie

09-330

From: [REDACTED] (b)(6) [REDACTED]@fema.gov]
Sent: Thursday, June 09, 2011 3:44 PM
To: FEMA-Finance-Vendor-Payments; [REDACTED] (b)(6) Lowe, Mary; Cook, Connie; Showers, Cindy; Williams, Kevin D; Murphy, Eddie
Cc: Black, Linda; Smith, Lashawn; Ingol, Lester; James, Harold; Clark, Jennifer; Teets, Greg; Farley, Evan
Subject: re. FOIA Request - from back on 2/3/09 - copy of all invoices/contracts administration Pub Assist Prog - i.e. since 8/29/05 (when Katrina stormed ashore) - ref. Fluor, ERPMC, and NISTAC...
Attachments: 09-330 request.pdf
Importance: High

Cindy Showers (Chief, OCFO-FFC-MW-Vendor Payments Branch),

If you would, please get someone to pull the following contract/invoice files and Xerox (or, better yet, scan onto a disc) everything dated 8/29/05 and *after* and send to Connie Cook in Records Mgt for forwarding to **USA Today**, as per the *Freedom of Information Act* (Pub. L. 89-554, 7/4/66):

Current PA-TAC contracts:

HSFEHQ-06-D-0487 (Fluor Enterprises)

HSFEHQ-06-D-0488 (ERPMC [Emergency Response Program Mgt Consultants])

HSFEHQ-06-D-0489 (NISTAC [Nationwide Infrastructure Support Technical Assistance Consultants])

Prior PA-TAC contracts:

HSFEHQ-04-D-0126 (Fluor)

HSFEHQ-04-D-0127 (NISTAC)

HSFEHQ-04-D-0128 (ERPMC)

Needless to say, Connie, this is a pretty-big job, so it may take a little while to get done (probably a week or two)...Thanks! [REDACTED] (b)(6)

[REDACTED] (b)(6) [REDACTED]@dhs.gov
DHS/FEMA
OCFO, FEMA Finance Center
395 E St. SW; Patriots Plaza I, 6th-floor
Washington, DC 20472-3200
Desk [REDACTED] (b)(6)
Blackberry: [REDACTED] (b)(6)
Fax: 202-646-4241

From: Cook, Connie [mailto:[REDACTED] (b)(6)@fema.dhs.gov]
Sent: Thursday, June 09, 2011 11:23 AM
To: [REDACTED] (b)(6)
Subject: Assistance please - Invoices
Importance: High

Good morning [REDACTED] (b)(6)

[REDACTED] (b)(5) suggested that perhaps you could assist me with a problem regarding invoices for a FOIA request. My team has had tremendous problems completing a FOIA request for contracts and invoices (see

attachment) for a USA Today journalist. We have obtained the contracts from OCPO, and have been told that the Chief Financial Office is the office that could provide these invoices; yet our POC, (b)(6) referred us to OCPO's Ms. (b)(6). We have had no positive response from Public Assistance or FEMA Louisiana TRO either

Please, would you assist me in determining how we can receive this material?

Thank you for any assistance.

Connie
Connie R. Cook
Leader, Special Projects
Department of Homeland Security
Federal Emergency Management Agency
Mission Support Bureau
Records Management Division
(b)(6)@dhs.gov

Cook, Connie

From: (b)(6)
Sent: Monday, June 06, 2011 6:49 AM
To: Cook, Connie
Cc: Bennett, Anthony M; (b)(6)
Subject: RE: FOIA 09-330 (CTR)

Good Morning

All invoices are approved by the program office and paid by the Chief Financial Office. Please see either of those offices for invoices.

Thanks

(b)(6)

From: Cook, Connie
Sent: Friday, June 03, 2011 9:25 AM
To: (b)(6)
Cc: Bennett, Anthony M; (b)(6)
Subject: FW: FOIA 09-330 (CTR)
Importance: High

Good morning (b)(6)

Re 09-330 Heath, Brad, USA Today

Thank you very much for your recent response to Dr. Bennett's inquiry regarding this case.

(b)(5)

Sorry for our persistence regarding this case, however, since the requester complained legitimately before regarding the earlier notification that no contracts existed, we would like to be certain whereof we speak ...

Thank you, again, for your assistance.

Respectfully,

Connie
Connie R. Cook
Special Projects, Team Leader
Department of Homeland Security

**Federal Emergency Management Agency
Mission Support Bureau
Records Management Division**

(b)(6)

@dhs.gov

From: Bennett, Anthony M
Sent: Thursday, June 02, 2011 2:00 PM
To: Cook, Connie
Subject: FW: FOIA 09-330

Sorry it took me so long to locate this.

Dr. Anthony M. (Tony) Bennett
Chief, Disclosure Branch
Records Management Division
Federal Emergency Management Agency
US Department of Homeland Security
Anthony.M.Bennett@fema.gov
(202) 646-3102 (office)
(202) 213-1241 (blackberry)

From: (b)(6)
Sent: Thursday, May 26, 2011 3:00 PM
To: Bennett, Anthony M
Subject: FOIA 09-330

Hi Dr. Bennett

Sorry I missed your call. I looked over the e mail traffic I have for 09-330 and the only items that may have been withheld are the proposals if requested. The PA TAC contracts have already been released under other FOIA's and I haven't heard of any missing documents.

I believe in your voice mail you indicated this was sensitive and I didn't want to wait until Tuesday. If you are looking for something else let me know. If you need the page count of the proposals I can ask for them not sure how easy that will be since I believe some of these may have been 2004 contracts. I will check. Let me know if you are looking for more.

v/r

(b)(6)

Program Analyst
Acquisition Policy and Legislation Support
Office of the Chief Procurement Officer
Mission Support Bureau

(b)(6)

Cook, Connie

From: Bennett, Anthony M
Sent: Thursday, June 02, 2011 2:00 PM
To: Cook, Connie
Subject: FW: FOIA 09-330

Sorry it took me so long to locate this.

Dr. Anthony M. (Tony) Bennett
Chief, Disclosure Branch
Records Management Division
Federal Emergency Management Agency
US Department of Homeland Security
Anthony.M.Bennett@fema.gov
(202) 646-3102 (office)
(202) 213-1241 (blackberry)

From: (b)(6)
Sent: Thursday, May 26, 2011 3:00 PM
To: Bennett, Anthony M
Subject: FOIA 09-330

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I believe in your voice mail you indicated this was sensitive and I didn't want to wait until Tuesday. If you are looking for something else let me know. If you need the page count of the proposals I can ask for them not sure how easy that will be since I believe some of these may have been 2004 contracts. I will check. Let me know if you are looking for more.

v/r

(b)(6)

Program Analyst
Acquisition Policy and Legislation Support
Office of the Chief Procurement Officer
Mission Support Bureau
(b)(6)

SUMMARY SHEET

May 25, 2011

PURPOSE: To obtain the approval and signature on the final response to Freedom of Information Act (FOIA) request **FEMA 09-330**. This case has been referred to OGIS.

DISCUSSION: Mr. Brad Heath, USA Today, submitted a FOIA request seeking the following documents:

1. Copies of any contracts or other agreements related to the Agency's administration of the Public Assistance program subsequent to hurricanes Katrina or Rita. This would include, but not be limited to, any agreements for administration of the program, engineering services, architectural services or application review and processing.
2. Copies of any invoices or payment demands, and records of any payments, made for services in administering the Public Assistance program, or related to any of the contracts identified in Item 1 above.

The Disclosure Office received the February 3, 2008 FOIA request on March 6, 2008. Upon tasking out to component offices, a "no records" response was initially received. The Disclosure Office prepared a final response letter. However, OCC indicated that there are identifiable responsive records to this request. The Disclosure office tasked the Office of Chief Procurement Officer requesting their consideration. On March 28, 2011, OCPO/Matrice and PA/Allen Wineland requested clarification of exactly what the requestor sought. The Disclosure Office sought clarification from the requester. The requester's response was forwarded to OCPO and PA in response to their requests for clarification. OCPO emailed three contracts that are responsive.

*John F. Smith
7*

(b)(5)

Cook, Connie

From: Cook, Connie
Sent: Tuesday, May 24, 2011 11:16 AM
To: (b)(6)
Subject: (b)(6) (CTR)
FYI: 09-330

Hi Albert,

I called and spoke to (b)(6) shortly after the meeting re my request for a brief, chronological summary of the goings-on with this case. She asked if I could give her until COB tomorrow—Wednesday. I agreed.

Thanks.

Connie
Connie R. Cook
Department of Homeland Security
Federal Emergency Management Agency
Mission Support Bureau
Records Management Division

(b)(6)

@dhs.gov

Cook, Connie

From: [REDACTED] (b)(6)
Sent: Monday, June 06, 2011 6:49 AM
To: Cook, Connie
Cc: Bennett, Anthony M; [REDACTED] (b)(6)
Subject: RE: FOIA 09-330 [REDACTED] (b)(6) (CTR)

Good Morning

All invoices are approved by the program office and paid by the Chief Financial Office. Please see either of those offices for invoices.

Thanks

[REDACTED] (b)(6)

From: Cook, Connie
Sent: Friday, June 03, 2011 9:25 AM
To: Dickens-Gaddy, Matrice
Cc: Bennett, Anthony M; Sole, Modupe (CTR); Kiss, Albert (CTR)
Subject: FW: FOIA 09-330
Importance: High

Good morning Matrice,

Re 09-330 Heath, Brad, USA Today

Thank you very much for your recent response to Dr. Bennett's inquiry regarding this case.

[REDACTED] (b)(5)

Sorry for our persistence regarding this case, however, since the requester complained legitimately before regarding the earlier notification that no contracts existed, we would like to be certain whereof we speak....

Thank you, again, for your assistance.

Respectfully,

Connie
Connie R. Cook
Special Projects, Team Leader
Department of Homeland Security

* Federal Emergency Management Agency
Mission Support Bureau
Records Management Division

(b)(6)

(b)(6)@dhs.gov

From: Bennett, Anthony M
Sent: Thursday, June 02, 2011 2:00 PM
To: Cook, Connie
Subject: FW: FOIA 09-330

Sorry it took me so long to locate this.

Dr. Anthony M. (Tony) Bennett
Chief, Disclosure Branch
Records Management Division
Federal Emergency Management Agency
US Department of Homeland Security
Anthony.M.Bennett@fema.gov
(202) 646-3102 (office)
(202) 213-1241 (blackberry)

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Sent: Thursday, May 26, 2011 3:00 PM
To: Bennett, Anthony M
Subject: FOIA 09-330

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(b)(6)

Program Analyst
Acquisition Policy and Legislation Support
Office of the Chief Procurement Officer
Mission Support Bureau

(b)(6)

From: (b)(6)
Sent: Wednesday, April 13, 2011 2:54 PM
To: (b)(6) (CTR)
Cc: (CTR); Williams, Kevin D; 'Murphy, Eddie'; (b)(6)
Subject: RE: FOIA - 09-330

Hi (b)(6)
 Thanks for the email. I'll forward the email I sent to the contracting officer, LaShawn Smith. I asked her for copies of the contracts and associated price lists for the contracts, but did not ask for copies of individual invoices. I want to review the contract and see if there is enough information to meet the request. When I spoke with our PA-TAC staff, I was told that the number of invoices would be voluminous. If the contract and price lists meet the requesters need, we could stop there. If not, we can ask the contracting/TAC staff to provide an estimate of the amount of time it will take to copy the invoices.

Thanks,

(b)(6)

(b)(6)

Program Analyst
 FEMA/Recovery Directorate
 500 C St. Wash DC 20472
 (b)(6) (Desk)
 @dhs.gov

From: (b)(6) (CTR)
Sent: Wednesday, April 13, 2011 12:53 PM
To: (b)(6)
Cc: (b)(6) (CTR)
Subject: FOIA - 09-330

Good afternoon (b)(6)

As discussed during our phone conversation this morning, please provide the copies of contracts as well as the individual invoices related to this request by April 22, 2011.

If I can provide any additional information or assistance, please do not hesitate to let me know.

Best Regards,

(b)(6)

(b)(6) (CTR)
 Front Rowe, Inc - Contractor
 FOIA Specialist
 Federal Emergency Management Agency
 Room 401, FEMA Crystal City
 1800 South Bell Street
 Arlington VA 22202
 Phone: (b)(6)
 Fax: (202) 646-3347
 Email: (b)(6) @associates.dhs.gov

(b)(6) (CTR)

From: (b)(6)@fema.gov
Sent: Tuesday, April 12, 2011 12:10 PM
To: (b)(6) Williams, Kevin D; Murphy, Eddie; (b)(6) Wilmot, John
Subject: FOIA 09-330
Attachments: 09-330 email March 29, 2011.pdf

Hi (b)(6)

Based on the input from the requester as stated in the attachment, I asked our contract staff for copies of contracts related to this request. I did not ask for copies of individual invoices. I was informed by staff, that making copies of invoices would be a time-intensive task. As the requester did not mention invoices in the clarification (see attachment), per our phone conversation this morning, I want to ensure that copies of contracts will meet this request. If it is determined that individual invoices and other grant related documents must be made, we will prepare a cost estimate.

(b)(6) John, Eddie, and Kevin – This is a FOIA request from USA Today (I sent a copy previously) seeking copies of contracts and price lists for the contractors that did work for the PA program after hurricanes Katrina and Rita. The requester stated in their clarification that, "It my understanding that much of the PA work conducted after those disasters was done by outside contractors. This included some program administration, architectural reviews, review of applications, damage estimates, etc. (Some local officials have said that even the final decisions about whether or not to approve a PA project – or how much to obligate – were made by contract staff.)"

The Office of Government Information Services (OGIS) is now involved, which I just learned is an Office of the National Archives that works with FOIA. I did not know they even existed until this morning. Their link.
<http://www.archives.gov/ogis/>

Thanks,

(b)(6)

(b)(6)

Program Analyst ← tech assistance office
FEMA/Recovery Directorate
500 C St. Wash DC 20472
202-646-3661 (Desk)
(b)(6)@dhs.gov

(b)(5)

(b)(6) (CTR)

From: (b)(6)
Sent: Tuesday, March 29, 2011 10:09 AM
To: (b)(6) (CTR)
Subject: RE: 09-330

Yes based on his statement below. However, there were others prior to Katrina and DO should have those as well (see below) – but he indicated after Katrina.

EMW-2003-CO-0001 Nationwide Infrastructure Support Technical Assistance Consultants (NISTAC)
EMW-2003-CO-0002 Emergency Response Program Management Consultants (ERPMC)
EMW-2003-CO-0003 Fluor Enterprises, Inc. — 06295
HSFEHQ-04-D-0126 Fluor Enterprises, Inc.
HSFEHQ-04-D-0127 Nationwide Infrastructure Support Technical Assistance Consultants (NISTAC)
HSFEHQ-04-D-0128 Emergency Response Program Management Consultants (ERPMC)

(b)(6)

From: (b)(6) (CTR)
Sent: Tuesday, March 29, 2011 10:06 AM
To: (b)(6)
Cc: Bennett, Anthony M
Subject: RE: 09-330

Good morning (b)(6)
Are these contracts all the responsive documents?
Thanks,

(b)(6)

(b)(6) (CTR)
Front Rowe, Inc - Contractor
Team Leader
Federal Emergency Management Agency
Room 466, FEMA Crystal City
1800 South Bell Street
Arlington, VA 22202

(b)(6)
cc: dhs.gov

From: (b)(6)
Sent: Tuesday, March 29, 2011 10:03 AM
To: (b)(6) (CTR)
Subject: RE: 09-330

Ok (b)(6)

Subsequent

With that being said, the contractors that provide PA assistance after Katrina are as follows - DO already have these contracts.

HSFEHQ-06 D 0487

Fluor Enterprises, Inc.

09-330

4:50am

4/13

Per Meeting w/ Connie Cook/

(b)(6)

- 1 Time estimate to provide responsive docs
- High visibility case
- FOIA office not to assess fees for providing related docs
- Permission from TL to call/contact program officer

(b)(6)

(b)(6)

(CTR)

From: (b)(6)
Sent: Wednesday, April 13, 2011 9:15 AM
To: FEMA-FOIA
Subject: FW: FOIA 09-330
Attachments: 09-330 request.pdf

Attention: (b)(6)

From: (b)(6)
Sent: Tuesday, April 12, 2011 2:56 PM
To: Smith, Lashawn
Cc: 'Murphy, Eddie'; (b)(6) (CTR); (b)(6); Wilmot, John
Subject: FW: FOIA 09-330

Hi Lashawn,
The PA Division is responding to highly visible FOIA request 09-330 (see attached), and email string below. We need a copy of the contract(s), and associated price lists for the contractors that were in place for the PA program following hurricanes Katrina and Rita.

Please let me know if there questions, and how long you estimate it will take to have copies available.

Thank you!
Allen

Allen J. Wineland
Program Analyst
FEMA/Recovery Directorate
500 C St. Wash DC 20472
202-646-3661 (Desk)
allen.wineland@dhs.gov

From: Murphy, Eddie [<mailto:Eddie.Murphy@dhs.gov>]
Sent: Tuesday, April 12, 2011 12:23 PM
To: Wineland, Allen; Kiss, Albert (CTR); Williams, Kevin D; Murphy, Eddie; Wells, Tod; Wilmot, John
Subject: RE: FOIA 09-330

Allen,

We can provide a copy of the contracts and the price list, however, the information as to who has the final decision must be corrected. We do have contractors during much of the research and background information for Public Assistance, but the "Final Decision" is reserved for the Government decision maker (FEMA personnel).

Please submit the request to the Contracting Officer for release. If any costs are associated with this request, acquisition will coordinate with the FOIA Officer and provide an estimate.

Thanks.

Eddie Murphy

From: (b)(6) [mailto:(b)(6)@dhs.gov]
Sent: Tuesday, April 12, 2011 12:10 PM
To: (b)(6) Williams, Kevin D; Murphy, Eddie; (b)(6) Wilmot, John
Subject: FOIA 09-330

Hi (b)(6)

Based on the input from the requester as stated in the attachment, I asked our contract staff for copies of contracts related to this request. I did not ask for copies of individual invoices. I was informed by staff, that making copies of invoices would be a time-intensive task. As the requester did not mention invoices in the clarification (see attachment), per our phone conversation this morning, I want to ensure that copies of contracts will meet this request. If it is determined that individual invoices and other grant related documents must be made, we will prepare a cost estimate.

(b)(6) John, Eddie, and Kevin – This is a FOIA request from USA Today (I sent a copy previously) seeking copies of contracts and price lists for the contractors that did work for the PA program after hurricanes Katrina and Rita. The requester stated in their clarification that, "It my understanding that much of the PA work conducted after those disasters was done by outside contractors. This included some program administration, architectural reviews, review of applications, damage estimates, etc. (Some local officials have said that even the final decisions about whether or not to approve a PA project – or how much to obligate – were made by contract staff.)"

The Office of Government Information Services (OGIS) is now involved, which I just learned is an Office of the National Archives that works with FOIA. I did not know they even existed until this morning. Their link.
<http://www.archives.gov/ogis/>

Thanks,

(b)(6)

(b)(6)

Program Analyst
FEMA/Recovery Directorate
500 C St. Wash DC 20472
(b)(6) (Desk)
@dhs.gov

3/28/11 - (b)(6) Sent email to OCPD re: NO RECORDS SUSPENSE TRACKER

- OCC indicates there are responsive docs to this request
- OCPD and PA (b)(6) indicate they need clarification

On request post no records tracker sent.

- (b)(6) phoned Requester for clarification
- Requester is not pleased w/ response, contacted Office of Govt Services (OGIS) (program to assist agencies w/ difficult matters)
- (b)(6), (b)(7), (b)(6) met w/ Connie Cook re status update
- OCC involvement
- Conference call w/ PA (b)(6) re update
- AS@ 4/12/11, PA Office looking to see whether
 - ① there are other responsive docs.
 - ② Based on clarification, PA wants to provide a copy of the contract and not individual cts

SPECIAL CASE —
PRIORITY — OGIS/OCC

4/12/11

- Conference Call to OCPD (b)(6) left message (b)(6)

- (b)(6) called back — 6 cts provided from

OCPD	EMW	2003-CO-0001	HSFEHQ	-04-D-0126
	EMW	2003-CO-0002	HSFEHQ	-04-D-0127
	EMW	2003-CO-0003	HSFEHQ	-04-D-0128

(b)(6)

(CTR)

From: (b)(6) (b)(6) (CTR) (b)(6) [redacted]
Sent: Tuesday, April 12, 2011 1:24 PM [redacted]@dhs.gov]
To: Cook, Connie
Cc: Bennett, Anthony M; (b)(6) (b)(6) (CTR); (b)(6)
Subject: FW: FOIA 09-330
Attachments: 09-330 email March 29, 2011.pdf

Connie,

As discussed with you this morning, we (i.e., (b)(6) and I) called (b)(6) to discuss this case.

As discussed with you, we explained that this is an OGIS matter. Please see the attached message from PA.

I would like to schedule a time to discuss (b)(6)'s question presented below (i.e. whether invoices and other grant-related documents are responsive) with both you and (b)(6).

Best regards,

(b)(6)

(b)(6) pls. provide a print of this to (b)(6)]

(b)(6) (b)(6) (CTR)
Front Rowe, Inc. - Contractor
Team Leader
Federal Emergency Management Agency
Room 466, FEMA Crystal City
1800 South Bell Street
Arlington, VA 22202
(b)(6)
[redacted]@associates.dhs.gov

From: (b)(6) [redacted]
Sent: Tuesday, April 12, 2011 12:10 PM [redacted]@fema.gov]
To: (b)(6) (CTR); Williams, Kevin D; Murphy, Eddie; (b)(6) Wilmot, John
Subject: FOIA 09-330

Hi (b)(6)

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<http://www.archives.gov/ogis/>

Thanks,

(b)(6)

(b)(6)

Program Analyst
FEMA/Recovery Directorate
500 C St. Wash DC 20472
(b)(6) (Desk)
@dhs.gov

(b)(6) (b)(6)

From: (b)(6) (b)(6) (CTR)
Sent: Tuesday, March 29, 2011 9:55 AM
To: (b)(6) (b)(6) (b)(6)
Cc: Bennett, Anthony M (b)(6)
Subject: 09-330

Good morning (b)(6) and (b)(6)
Attached, as discussed, please find clarification of this request from the requestor.
If this is in any way inadequate, pls. let me know ASAP so that I can follow-up with the requestor.
Assuming this clarification informs your search, pls. search again for responsive records.
Thanks,
(b)(6) *email attachment*

(b)(6) (CTR)
Front Rowe, Inc. - Contractor
Team Leader
Federal Emergency Management Agency
Room 466, FEMA Crystal City
1800 South Bell Street
Arlington, VA 22202
(b)(6)
(b)(6)@associates.dhs.gov

From: Heath, Brad [mailto:(b)(6)@usatoday.com]
Sent: Tuesday, March 29, 2011 9:54 AM
To: (b)(6)@fema.gov
Subject: PA Contracts

Thanks for following up.

As I mentioned when we spoke this morning, I'm trying to get copies of contracts and price lists for the contractors that did work for the PA program after hurricanes Katrina and Rita. It's my understanding from speaking (years ago) with the recovery office that much of the PA work conducted after those disasters was done by outside contractors. This included some program administration, architectural reviews, review of applications, damage estimates, etc. (Some local officials have said that even the final decisions about whether or not to approve a PA project - or how much to obligate - were made by contract staff.)

I hope this is helpful. Please let me know if there's anything else you need to further clarify this request.

Best,

Brad Heath
USA TODAY

(b)(6) (CTR)

From: (b)(6)
Sent: Tuesday, April 12, 2011 12:50 PM
To: (b)(6)
Subject: (b)(6) (CTR)
09-330

Hi (b)(6)

I received your voice mail message. I am going through my records to see what was requested and what I provided. After I locate any information I will give you a call.

Thanks

(b)(6)
Program Analyst
Acquisition Policy and Legislation Division
Office of the Chief Procurement Officer
Mission Support Bureau
(b)(6)

(b)(6) (b)(6) (CTR)

From: (b)(6)
Sent: (b)(6)
To: Tuesday, March 29, 2011 10:03 AM
Subject: (b)(6) (CTR)
RE: 09-330

Ok (b)(6)

With that being said...the contractors that provide PA assistance after Katrina are as follows – DO already have these contracts

HSFEHQ-06-D-0487 Fluor Enterprises, Inc.
HSFEHQ-06-D-0488 Emergency Response Program Management Consultants (ERPMC)
HSFEHQ-06-D-0489 Nationwide Infrastructure Support Technical Assistance Consultants (NISTAC)

(b)(6) - call
(b)(6)

From: (b)(6) (b)(6) (CTR)
Sent: Tuesday, March 29, 2011 9:55 AM
To: (b)(6) (b)(6) (b)(6)
Cc: Bennett, Anthony M
Subject: 09-330

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(b)(6) (b)(6) (CTR)
Front Rowe, Inc. - Contractor
Team Leader
Federal Emergency Management Agency
Room 466, FEMA Crystal City
1800 South Bell Street
Arlington, VA 22202
(b)(6)
(b)(6) @associates.dhs.gov

From: Heath, Brad [mailto:(b)(6)@usatoday.com]
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To: (b)(6)
Subject: PA Contracts

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I hope this is helpful. Please let me know if there's anything else you need to further clarify this request.

Best,

Brad Heath
USA TODAY

(b)(6) (CTR)

From: (b)(6)
Sent: Tuesday, March 29, 2011 11:23 AM
To: (b)(6) (CTR); (b)(6)
Cc: Bennett, Anthony M; Williams, Kevin D; 'Murphy, Eddie'; (b)(6)
Subject: RE: 09-330 Wilmot, John

Hi (b)(6)

This is helpful. Thank you. Our contract staff are reviewing the request and the request clarification for responsive documents.

Thanks,

(b)(6) call

(b)(6)
Program Analyst
FEMA/Recovery Directorate
500 C St. Wash DC 20472
(b)(6) Desk)
@dhs.gov

From: (b)(6) (CTR)
Sent: Tuesday, March 29, 2011 9:55 AM
To: (b)(6); (b)(6)
Cc: Bennett, Anthony M
Subject: 09-330

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(b)(6)

(b)(6) (CTR)
Front Rowe, Inc. Contractor
Team Leader
Federal Emergency Management Agency
Room 466, 44 MA Crystal City
1801 South Bell Street
Arlington, VA 22202

(b)(6) @ates.dhs.gov

From: Heath, Brad [mailto:(b)(6)@usatoday.com]
Sent: Tuesday, March 29, 2011 9:54 AM
To: (b)(6)@fema.gov
Subject: PA Contracts

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I hope this is helpful. Please let me know if there's anything else you need to further clarify this request.

Best,

Brad Heath
USA TODAY

(b)(6) (CTR)

From:

Sent:

To:

Subject:

(b)(6)

Monday, March 28, 2011 9:00 AM
(b)(6)
RE: 09-550

Hi (b)(6)

Would you contact the requester and get clarification on what he is looking for. His request says he wants contracts related to the Agency's administration of the Public Assistance program. There are no contracts awarded for the administration of the Public Assistance program.

Thanks

(b)(6)

From: (b)(6) (CTR)
Sent: Monday, March 28, 2011 2:15 PM
To: (b)(6)
Subject: 09-550, OCPD-APL-FOIA

Good afternoon (b)(6)

The DO received the attached "no records" suspense tracker and "no records" email in response to this request.

However, OCC has informed the DO that there are responsive records somewhere for this request; please see the attached Summary Sheet notes from OCC stating "[t]his cannot be the response. We did award PA Ks post-Katrina & Rita."

Could you please look into this for the DO?

Thank you,

(b)(6)

(b)(6)

(CTR)

Front Rowe, Inc. - Contractor
Team Leader
Federal Emergency Management Agency
Room 466, FEMA Crystal City
1800 South Bell Street
Arlington, VA 22202

(b)(6)

@associates.dhs.gov

3/23 - (b)
(6) - received and reviewed file.

(b)(6) (CTR)

From:

Sent:

To:

Subject:

(b)(6)

Monday, March 28, 2011 2:43 PM

RE: 09-330

(b)(6)

OCPO-APL-FOIA

(b)(6)

My response to the initial email on this some months ago was that it should be sent to FEMA's contracting office as we do not hold copies of contracts here and could not release info without it going to that office.

Also, if what they *really* want is Project Worksheets involving PA grants following Hurricanes Katrina or Rita, the request would be so broad that it would take weeks to process and too numerous to count hours of staff time to produce the documents. We need clarification on exactly what they want or at least a narrower request. You can have them call me directly if you like.

Thanks,

(b)(6)

(b)(6)

Program Analyst

FEMA/Recovery Directorate

500 C St. Wash DC 20472

(b)(6)

(Desk)

@dhs.gov

From: (b)(6) (CTR)

Sent: Monday, March 28, 2011 2:15 PM

To:

(b)(5)

Subject: 09-330

OCPO-APL-FOIA

Good afternoon

(b)(6)

The DO received the attached "no records" suspense tracker and "no records" email in response to this request.

However, OCC has informed the DO that there are responsive records somewhere for this request; please see the attached Summary Sheet notes from OCC stating "[t]his cannot be the response. We did award PA Ks post-Katrina & Rita."

Could you please look into this for the DO?

Thank you,

(b)(6)

(b)(6)

(CTR)

From: [redacted]
To: [redacted]

(b)(6) (CTR)

From: (b)(6)
Sent: Tuesday, March 29, 2011 10:09 AM
To: (b)(6) (CTR)
Subject: RE: 09-330

Yes based on his statement below. However, there were others prior to Katrina and DO should have those as well (see below) – but he indicated after Katrina.

EMW-2003-CO-0001 Nationwide Infrastructure Support Technical Assistance Consultants (NISTAC)
EMW-2003-CO-0002 Emergency Response Program Management Consultants (ERPMC)
EMW-2003-CO-0003 Fluor Enterprises, Inc. — 06295

HSFEHQ-04-D-0126 Fluor Enterprises, Inc.
HSFEHQ-04-D-0127 Nationwide Infrastructure Support Technical Assistance Consultants (NISTAC)
HSFEHQ-04-D-0128 Emergency Response Program Management Consultants (ERPMC)

→ 07-45
From: (b)(6) (CTR)
Sent: Tuesday, March 29, 2011 10:06 AM
To: (b)(6)
Cc: Bennett, Anthony M
Subject: RE: 09-330

Good morning (b)(6)
Are these contracts all the responsive documents?
Thanks,

(b)(6)

(b)(6) (CTR)
Front Rowe, Inc. - Contractor
Team Leader
Federal Emergency Management Agency
Room 466, FEMA Crystal City
1800 South Bell Street
Arlington, VA 22202
(b)(6)@associates.dhs.gov

From: (b)(6)
Sent: Tuesday, March 29, 2011 10:03 AM
To: (b)(6) (CTR)
Subject: RE: 09-330

Ok (b)(6)

With that being said..the contractors that provide PA assistance after Katrina are as follows – DO already have these contracts

HSFEHQ-06-D-0487 Fluor Enterprises, Inc.

HSFEHQ-06-D-0488
HSFEHQ-06-D-0489

Emergency Response Program Management Consultants (ERPMC)
Nationwide Infrastructure Support Technical Assistance Consultants (NISTAC)

(b)(6)

08-650
08 601
08-477

From: (b)(6) (CTR)
Sent: Tuesday, March 29, 2011 9:55 AM
To: (b)(6) (b)(6)
Cc: Bennett, Anthony M
Subject: 09-330

Good morning (b)(6)

Attached, as discussed, please find clarification of this request from the requestor.
If this is in any way inadequate, pls. let me know ASAP so that I can follow-up with the requestor.
Assuming this clarification informs your search, pls. search again for responsive records.
Thanks,

(b)(6)

(b)(6) (CTR)
Front Rowe, Inc. - Contractor
Team Leader
Federal Emergency Management Agency
Room 466, FEMA Crystal City
1800 South Bell Street
Arlington, VA 22202
(b)(6)@associates.dhs.gov

From: Heath, Brad [mailto:(b)(6)@usatoday.com]
Sent: Tuesday, March 29, 2011 9:54 AM
To: (b)(6)@fema.gov
Subject: PA Contracts

Thanks for following up.

As I mentioned when we spoke this morning, I'm trying to get copies of contracts and price lists for the contractors that did work for the PA program after hurricanes Katrina and Rita. It's my understanding from speaking (years ago) with the recovery office that much of the PA work conducted after those disasters was done by outside contractors. This included some program administration, architectural reviews, review of applications, damage estimates, etc. (Some local officials have said that even the final decisions about whether or not to approve a PA project – or how much to obligate – were made by contract staff.)

I hope this is helpful. Please let me know if there's anything else you need to further clarify this request.

Best,

Brad Heath
USA TODAY

(b)(6) CTR)

From: (b)(6)
Sent: (b)(6) (CTR)
To: Tuesday, May 17, 2011 12:24 PM
Subject: (b)(6)
RE: FOIA 09-330

Thank you, (b)(6). I appreciate your assistance. Best ~ (b)(6)

(b)(6) (CTR)
Front Rowe, Inc - Contractor
FOIA Specialist
Federal Emergency Management Agency
Room 401, FEMA Crystal City
1800 South Bell Street
Arlington VA 22202
(b)(6)
Fax: (202) 646-3347
Email: (b)(6)@associates.dhs.gov

From: (b)(6)
Sent: Tuesday, May 17, 2011 12:02 PM
To: (b)(6) (CTR)
Subject: RE: FOIA 09-330

Good morning (b)(6)

The original request you sent me on 4/29 did not include the actual request. Now, that I've had the opportunity to review the request sent on 5/9,

(b)(5)

I've attached the suspense tracker to have this request reassigned to the Procurement Office.

Thanks,

(b)(6) Admin Officer
DHS/FEMA/OCFO
395 E Street SW,
Patriots Plaza, Rm 606
Washington, DC 20472-3200
(b)(6)
202-646-7052 fax
(b)(6)@dhs.gov

From: (b)(6) (CTR)
Sent: Monday, May 09, 2011 10:22 AM
To: (b)(6)
Subject: FW: FOIA 09-330

Good Morning (b)(6)

Just a gentle reminder about the above mentioned Suspense Tracker. Please forward a signed Suspense Tracker as soon as you can. I appreciate your assistance. Thank you.

Regards,

(b)(6)

(CTR)

Front Rowe, Inc - Contractor

FOIA Specialist

Federal Emergency Management Agency

Room 401, FEMA Crystal City

1800 South Bell Street

Arlington VA 22202

Phone: (b)(6)

Fax: (202) 646-3347

Email: (b)(6)@associates.dhs.gov

From: (b)(6)

(CTR)

Sent: Friday, April 29, 2011 8:37 AM

To: (b)(6)

Subject: FOIA 09-330

Good Morning (b)(6)

Attached is a FOIA request that the Disclosure Office (DO) believes falls under your purview. Please review and provide the DO with a response, which includes any documents you have that are applicable to this request as well as the signed Suspense Tracker.

Please note: If your component does not maintain responsive records regarding this FOIA request, please check the "NO RECORDS" box on the attached Suspense Tracker, sign and return to us as soon as possible. If you know which component might have responsive documents, please indicate that in the appropriate space on the Suspense Tracker. If you consider this request to be too broad please advise as soon as possible so that our office can contact the requester for additional information.

All components that are issued a FOIA request for responsive documents should complete the Suspense Tracker and forward this back to DO as this serves as an official record of their search even when there are no records and/or when recommending another FEMA component. These can be completed, scanned, and sent back as an Adobe PDF document via email.

A response is required no later than 5/10/2011.

If you have any questions or concerns, feel free to contact me at (b)(6)

Thank you for your assistance.

Best Regards,

(b)(6)

(b)(6)

(CTR)

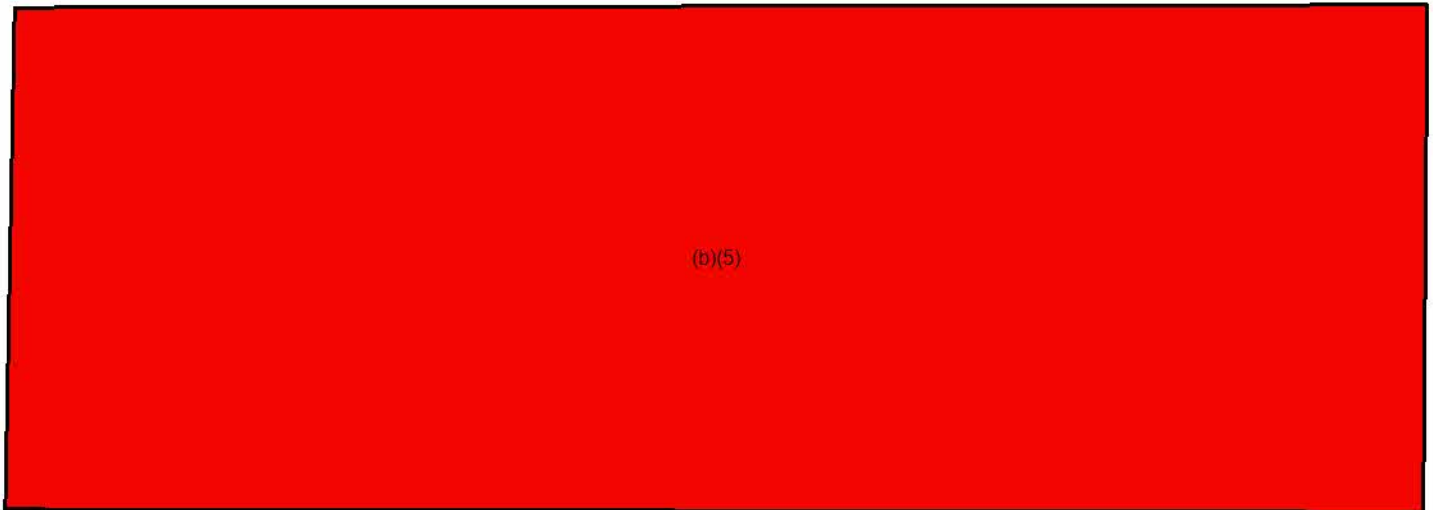
Sillah, Alecia

From: Sillah, Alecia
Sent: Tuesday, August 28, 2012 10:58 AM
To: (b)(6) (CTR)
Cc: Booker-Kasper, Monique; (b)(6) (CTR); (b)(6) (CTR)
Subject: QA of 10-003

Hi (b)(6)

I started reviewing 10-003.

I am unable to complete my review. Please address the following:



The QA e-mail stays with the file. Just place a copy behind the Summary Sheet. I will print one, attach it to the file, and will walk both to you shortly.

Thanks.

Alecia S. Sillah
FOIA Team Lead
Disclosure Branch (FOIA Office)
Records Management Division
Federal Emergency Management Agency (FEMA)
U.S. Department of Homeland Security
(b)(6)@dhs.gov

rec'd back
from (b)(6)
8/28/12 2:10pm
(AS)

9/12/12 (AS)
QA stopped @ pg 20
- b6 analysis
- previous QA not addressed 8/28/12

Mr. Scott Louis Weber
Patton Boggs, LLP
One Riverfront Plaza, 6th Floor
Newark, New Jersey 07102

Re: **FEMA 10-003**

Dear Mr. Weber:

This is the final response to your Freedom of Information Act (FOIA) request to the United States Department of Agriculture (USDA) Forest Service, dated May 5, 2009, which was subsequently forwarded to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA), and transferred to this office for direct processing on June 29, 2009. According to your request you seek records pertaining to the World Trade Center Disaster Site Litigation.

The USDA Forest Service transferred your request along with 828 pages of responsive documents that are under the purview of FEMA. Of those pages, we have determined that 138 pages of the records are releasable in their entirety, 529 pages are partially releasable, and 161 pages are withheld in their entirety pursuant to Title 5 U.S.C. § 552(b)(5) and (b)(6).

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, we determined that portions of the responsive documents qualify for protection under the following privilege:

- **Deliberative Process Privilege**

The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

FOIA Exemption 6 exempts from disclosure of personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because of the delay in responding to your request, we are waiving any fees associated with the processing of it.

If you need to contact our office again about this matter, please refer to **FEMA 10-003**. This office can be reached at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov.

Sincerely,

Monique R. Booker-Kasper
Acting Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: Responsive Documents on CD (828 pages)

(b)(6)

From: (b)(6)

Sent: Wednesday, July 29, 2009 10:48 AM

To: (b)(6)

Subject: FW: In re World Trade Center Disaster Site Litigation - new subpoena received....

(b)(6)

Heads-up that I will be bring you a small box of FOIA docs referred to FEMA by USDA's Forest Service.

Thanks,

(b)(6)

Handwritten signature: M. New
Handwritten text: FOIA

From: (b)(6)

Sent: Wednesday, July 29, 2009 10:47 AM

To: Shedd, Kristen

Subject: FW: In re World Trade Center Disaster Site Litigation - new subpoena received....

Hi Kristen - since I haven't heard back from you, I will assume you do not need to see the documents now and will bring them over to the FOIA Offices today.

(b)(6)

Handwritten signature: DM

From: (b)(6)

Sent: Friday, July 17, 2009 11:04 AM

To: Shedd, Kristen

Subject: In re World Trade Center Disaster Site Litigation - new subpoena received....

from a FOIA referral made by USDA's Forest Service (FS). At first I received from FS just a small box full of documents and the referral memo. I then contacted FS to obtain the subpoena which was mistakenly not enclosed with these items. Under USDA's Regulations, subpoenas are treated as FOIA requests, thus the documents that FS discovered in its files from FEMA were referred here for processing under FOIA. I talked to (b)(6) and he said accordingly it would be appropriate to refer to FEMA's FOIA/Disclosure office, but to check with you to see if you had any concerns and/or if you would like to review the documents? If so, I can bring them over to you. Please advise?

Also, in a related but separate matter, are there remaining questions for me on the Protective Order issues that we talked about a bit ago (and you e-mail to me) on this same case?

Thanks,

(b)(6)

(b)(6)

Senior Attorney
FEMA Office of General Law
Office of the Chief Counsel
Department of Homeland Security
500 C Street SW, Suite 715
Washington, DC 20472

(b)(6)

7/29/2009

(b)(6)

From: (b)(6)
Sent: Wednesday, July 29, 2009 10:47 AM
To: Shedd, Kristen
Subject: FW: In re World Trade Center Disaster Site Litigation - new subpoena received....

Hi Kristen - since I haven't heard back from you, I will assume you do not need to see the documents now and will bring them over to the FOIA Offices today.

(b)(6)

From: (b)(6)
Sent: Friday, July 17, 2009 11:04 AM
To: Shedd, Kristen
Subject: In re World Trade Center Disaster Site Litigation - new subpoena received....

from a FOIA referral made by USDA's Forest Service (FS). At first I received from FS just a small box full of documents and the referral memo. I then contacted FS to obtain the subpoena which was mistakenly not enclosed with these items. Under USDA's Regulations, subpoenas are treated as FOIA requests, thus the documents that FS discovered in its files from FEMA were referred here for processing under FOIA. I talked to Ed and he said accordingly it would be appropriate to refer to FEMA's FOIA/Disclosure office, but to check with you to see if you had any concerns and/or if you would like to review the documents? If so, I can bring them over to you. Please advise?

Also, in a related but separate matter, are there remaining questions for me on the Protective Order issues that we talked about a bit ago (and you e-mail to me) on this same case?

Thanks,

(b)(6)

(b)(6)

Senior Attorney
FEMA Office of General Law
Office of the Chief Counsel
Department of Homeland Security
500 C Street SW, Suite 715
Washington, DC 20472
(b)(6)
202-646-3958 (fax)

This communication was prepared by the DHS FEMA Office of Chief Counsel and is covered by Federal and state law governing electronic communications. It may contain confidential pre-decisional and/or sensitive attorney-client privileged, attorney work product, and/or U.S. Government information, and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient. Please consult the Office of Chief Counsel before disclosing any information contained herein. If the reader of this message is not the intended recipient, any dissemination, distribution, use or copying of this message is prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.



United States
Department of
Agriculture

Forest
Service

Washington Office

1400 Independence Avenue, SW
Washington, DC 20250

File Code: 6270

Date:

JUN 29 2009

Record
000106L
7/8/09
1
(b)(6)

Ms. Rena Kim
Federal Emergency Management Agency
Office of General Counsel
500 C Street, SW, Room 840
Washington, DC 20472

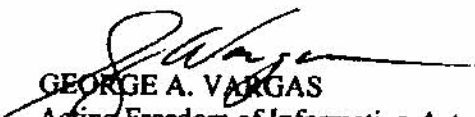
Dear Ms. Kim:

Enclosed is a subpoena (21 MC 100 (AKH) (SDNY) dated May 5, 2009, from Mr. Scott Louis Weber of Patton Boggs, LLP. We have responded to the subpoena under the Freedom of Information Act (FOIA).

Also enclosed are pages generated by your agency that were found in our files when we performed our search for records.

Please respond directly to Mr. Weber regarding the release of these records.

Sincerely,


GEORGE A. VARGAS
Acting Freedom of Information Act
and Privacy Act Officer

Enclosures



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PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANAGER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 43, Federal Rules of Civil Procedure, Subdivisions (a), (d), and (e), as amended on December 1, 2006:

(a) PROTECTION OF PERSONS SUBJECT TO DISCOVERY.

(1) A party or an attorney responsible for the location and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to discovery. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty appropriate sanctions, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents, tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing, or trial.

(B) Subject to paragraph (2)(C) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises—or to producing electronically stored information in whole or in part—or to inspect, copy, test, or sample the materials or inspect the premises except pursuant to one or more of the requests by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such a motion to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly conducts business in person, except that, subject to the provisions of clause (3)(D)(ii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held;

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information; or

(ii) requires disclosure of an unpatented computer's operation or information not otherwise available to the public, the court may, on motion, enter an order compelling the party to whom the subpoena is directed to show cause why it should not be quashed or modified.

(C) If a subpoena is served on a person who is not a party or an officer of a party to cause the person to travel more than 100 miles to attend trial, the court may, on motion, enter an order compelling the person to travel more than 100 miles to attend trial, the court may, on motion, enter an order compelling the person to travel more than 100 miles to attend trial, the court may, on motion, enter an order compelling the person to travel more than 100 miles to attend trial.

to or affected by the subpoena, quash or modify the subpoena or, if the party to whom issued the subpoena is issued there a substantial need for the testimony or material that cannot be otherwise met without undue hardship and agrees that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) OBLIGES TO DISCLOSE TO DISCOVERY.

(1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(2) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nevertheless order discovery from such sources if the requesting party shows good cause, considering the provisions of Rule 26(b)(3)(C). The court may specify conditions for the discovery.

(3) (A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the discovering party to dispute the claim.

(B) If information is withheld in response to a subpoena that is subject to a claim of privilege or protection as trial-preparation materials, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party that promptly objects, consents, or waives the claim shall not be deemed to have waived the claim and may not use or disclose the information until the claim is resolved. A receiving party may promptly move to compel the information to the court under and the a determination of the claim. If the receiving party declines the information before being notified, it may not use or disclose the information. The person who produced the information must preserve the information until the claim is resolved.

(c) OBLIGATION. Failure of any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate excuse for failure to obey exists when a subpoena purports to require a company to attend or produce at a place not within the limits provided by clause (b) of subparagraph (3)(A).

any kind, or any other data compilations from which information can be obtained and translated if necessary, as well as any electronically stored information ("ESI"), located in Your offices or at an off-site location (including home offices).

"Communicate" or "communication" shall mean all inquiries, discussions, conversations, negotiations, agreements, emails, undertakings, meetings, telephone conversations, letters, notes, telegrams, advertisements, or other forms of information exchange, whether oral or written, between two or more persons.

"Record" or "records" shall mean any and all records, files (including computer files), documents (as defined by the Federal Rules of Evidence, including those in electronic form), graphs, charts, maps, writings, correspondence, drawings, transcripts, drafts, recordings, data, studies, guidelines, directives, and/or reports.

"ESI" includes, but is not limited to, the contents of computer hard drives, floppy discs, CD-Rom discs, removable/external/portable storage devices, network servers and personal digital assistants. The information contained on such media normally includes, but is not limited to, electronic mail, word processing files, spreadsheets, imaged documents, presentations, pictures, audiovisual recordings and databases. This subpoena encompasses all of Your departments as well as any personal, home and/or portable media used by You.

"Identify," "identity," or "identification" mean, when used in reference to a natural person, his or her: full name; present or last known home address (including street name and number, city or town, state, zip code, and telephone number); present or last known business address (including street name and number, city or town, state, zip code, and telephone number); present or last known occupation, position, business affiliation, and job description; occupation, position, business affiliation and job description at the time relevant to the particular interrogatory being answered. If a company, corporation, association, partnership, or legal entity other than a natural person: its full name; a description of the type of organization or entity; the full address of its principal place of business; the jurisdiction of its incorporation or organization; and the date of its incorporation or organization. If a Document: its description (for example: letter, memorandum, report, etc.); its title; its date; the number of pages therein; its subject; the identity of its author, signatory or signatories, and any person who participated in its preparation; the identity of its addressee or recipient; the identity of each person to whom copies were sent and each person by whom copies were received; its present location; and the identity of its present custodian. If any such Document was, but is no longer, in the possession or subject to the control of plaintiff, state what disposition was made of it and when. If an oral communication: the date and time when it occurred; the place where it occurred; the complete substance of the communication; the identity of each person participating in the communication.

"Concerning" and "relating to" (or any form thereof) shall mean, in whole or in part, alluding to, analyzing, characterizing, commenting upon, comprising, concerning, constituting, containing, dealing with, describing, disclosing, discussing, embodying, evidencing, explaining, identifying, mentioning, pertaining to, referring to, reflecting, responding to, setting forth, showing, stating, supporting or summarizing.

"Work" or "services" refers to any and all work or services performed by You which, to Your knowledge, were requested, provided and/or contracted for (in whole or in part) as a

345 South End Avenue (100 Gateway Plaza), 355 South End Avenue (200 Gateway Plaza), 375 South End Avenue (600 Gateway Plaza), 385 South End Avenue (500 Gateway Plaza), 395 South End Avenue (400 Gateway Plaza), 22 Thames Street, 88 Thomas Street, Trinity Church, 100 Trinity Place (High School of Economics and Finance), 78-86 Trinity Place (American Stock Exchange), 90 Trinity Place, Trinity Building, 75 Varick Street, 76 Varick Street, 201 Varick Street, 30 Vesey Street, 200 Vesey Street (Three World Financial Center), 220 Vesey Street, 250 Vesey Street (Four World Financial Center), 1 Wall Street, 11 Wall Street (New York Stock Exchange, Inc.), 37 Wall Street, 40 Wall Street, 45 Wall Street, 48 Wall Street, 60 Wall Street and 67 Wall Street, 63 Wall Street, 95 Wall Street, 100 Wall Street, 111 Wall Street, 46 Warren Street, 73 Warren Street, 201 Warren Street, 110 Washington Street, 130 Washington Street, 55 Water Street, 160 Water Street, 175 Water Street, 199 Water Street, 200 Water Street, 3 West 57th Street (The Whitehall Building), 50 West Street, 90 West Street (West Street Building), 140 West Street (Verizon Building), 30 West Broadway, 1 Whitehall Street, 100 William Street, 110 William Street, 123 William Street, 40 Worth, 125 Worth, the Zen Restaurant, and all other locations in Lower Manhattan.

"You" and "Your" refer to you; your agency; your organization; subsidiaries, affiliates, predecessors and/or successors of your agency or organization; and/or agents, servants, employees or contractors hired by you, your agency or organization or subsidiaries, affiliates, predecessors and/or successors of your agency or organization.

"And" or "or" shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive. The plural of any word used herein includes the singular and the singular includes the plural. The masculine gender of any word used herein includes the feminine. All verbs used herein shall be construed to include all tenses. The past tense of any word used herein includes the present tense, and the present tense includes the past tense.

Documents produced in response to this subpoena must be produced as they are kept in the normal course of business or shall be organized and labeled to correspond with the requests made in Section IV. FRCP 45(d)(1)(A).

Do not assume that Documents responsive to this subpoena should be produced in hard copy. The defendants may wish to inspect or image hard copy Documents, and they have the right to designate the form in which ESI is produced. See FRCP 45(a)(1)(D). Thus, it is very important that You contact the attorney who issued this subpoena before producing Documents. The defendants will attempt to make Your production as efficient as possible. However, they reserve their right to refuse an improperly formatted or otherwise unacceptable production.

If You withhold Documents on a claim that they are privileged or subject to protection as trial-preparation materials, Your claim must be made expressly and must be supported by a description of the nature of the Documents that is sufficient to enable the party issuing this subpoena to contest the claim. FRCP 45(Z)(A).

Each of the requests made in Section IV is to be read consistently with the definitions provided above.

Failure to obey this subpoena may be deemed a contempt of court. FRCP 45(e).

8. Any and all documents containing, consisting of, documenting, describing, discussing, referencing, constituting, reporting, contributing, and/or summarizing the assessment of potential exposures of workers and/or residents (indoor and outdoor) at the WTC Site and related locations (including, but not limited to, documents containing, consisting of, documenting, describing, discussing, referencing, constituting, reporting, contributing, and/or summarizing information provided to or from any expert technical review panels, environmental assessment working groups, Emergency Operations Center, health and safety groups, environmental health and safety meetings dealing with worker safety, EPA technical panels, or any group in which the EPA or any other federal agency participated in any way related to the WTC Site and related locations).
9. Any and all correspondence between You and any other governmental entity (city, state, or federal), person, or private entity (including its employees and contractors) concerning the rescue, recovery, debris removal and/or clean-up efforts at the WTC Site and related locations.
10. Any and all formal or informal "performance evaluations" of the City of New York, the State of New York, and/or any other governmental or private entity working at the WTC Site and related locations.
11. Any and all documents evidencing enforcement or non-enforcement by You or any other governmental or private entity, of statutory, regulatory or other standards with respect to activities performed at the WTC Site and related locations, including but not limited to, enforcement or non-enforcement of OSHA standards and regulations at the WTC Site and related locations (both inside and outside of the "Red Zone").
12. Any and all documents reflecting Your or any other governmental (city, state, or federal) or private entity's involvement with the use of Personal Protective Equipment ("PPE") at the WTC Site and related locations, and in particular each entity's involvement with providing respirators (e.g., selection, fit-testing, training, procurement and distribution).
13. Any and all documents reflecting actual fit-testing of respirators or other PPE performed by You or any other governmental (city, state, or federal) or private entity at the WTC Site and related locations.
14. Any and all documents containing, consisting of, documenting, describing, discussing, referencing, constituting, reporting, contributing, and/or summarizing any indoor and/or outdoor (as specified below) monitoring, analysis, testing, and/or sampling (air, dust, water, river sediment, sewer systems, outfalls, drinking water, etc.) activities conducted between September 11, 2000 and the present at the WTC Site and related locations (indoor and outdoor), any other location in the City of New York (outdoor only), and/or any location in the State of New Jersey (outdoor only), including, but not limited to any reports, laboratory data sheets, data (both in raw and QA/QC'd form), summaries, analyses, notices, press releases, or public statements concerning environmental contaminants (including, but not limited to, individual analytes, compositions and compounds), remediation, environmental investigation, field notes, environmental modeling, and/or risk assessment and property appraisal, regardless of whether such documents were (i) prepared by or at the request of EPA, OSHA, You or

REVIEW CHECKLIST

Initial File Review:

- ☒ Responsive documents - compiled and OCR?
- ☒ Hyperlinks deactivated/removed?
- ☒ Do you have the requester's full address on the letter? (over 30 pages)
- ☒ Is the Routing Slip current?
- ☐ Do you have a submitter's notice for contracts? *N/A*
- ☐ Do you have signed taskers/e-mails from the appropriate components? *UPSIDERED (x2)*

Final Coordination Folder:

- ☒ Is the one page Summary Sheet stapled to inner left side of folder and contains the purpose, scope of the request, extraordinary issues and an exemption and fee analysis?
- ☒ Are the following sections tabbed (a) Request & Acknowledgment letter (b) Correspondence (c) Search/taskers; (if applicable) (d) Records (e) 1st/2nd Submitter Notices and Submitter Comments?
- ☒ Is the computer folder organized?

Outgoing Response Letters (Do not use old office letters)

- ☒ Requester is addressed as Mr., Ms., or Dr.?
- ☒ States are spelled out and not abbreviated.
- ☒ Requester's full address on the letter if responsive document are over 30 pages
- ☒ Responsive Documents less than 30 pages include **"SENT VIA E-MAIL TO: [INSERT THE E-MAIL ADDRESS HERE W/NO BRACES AROUND IT]"** bold and underlined three spaces below the FEMA logo.
- ☒ Do not include e-mail address in the requester's address block.
- ☒ Are all of the FEMA FOIA numbers bold i.e. **FEMA 11-000**?
- ☒ Are phone numbers listed properly as "(202) 646-3323"?
- ☒ Spell out single digit numbers, i.e., one through nine. 10 and up, do not spell out unless it starts a sentence. i.e. One hundred fifty-four (154) pages were located... Do not spell out large numbers within a sentence.
- ☒ Are citations listed properly? "Title 5 U.S.C. § 552(b)(6)" Do not split citation.
- ☒ Is the fee paragraph included? Citation included after paragraph.
- ☒ Have you reviewed redactions on responsive documents to ensure exemptions codes are accurate?
- ☒ Have you reviewed the final response letter for typos?
- ☒ Are all exemptions claimed identified on final response letter?
- ☒ Have you initialed and dated the routing sheet?

Post-Team Lead (TL)/Quality Assurance (QA) Review

- ☐ Have you initialed and/or replied to each comment identified by TL?
- ☐ Is the TL QA e-mail/corrected letter included in the folder?

Post OCC Review

- ☐ Have you completed all changes from OCC?
- ☐ Did you save the changes as a new document? i.e. 12-000 OCC Comments
- ☐ Have you redacted release documents and reviewed each redaction to ensure redactions are compliant?

Final Review

- ☐ Redacted/final release documents are saved in final release folder?
- ☐ Remove all comment bubbles from the redacted/final release documents.

10-003

- NO ACKNOWLEDGE LTR -
(EMPTY TEMPLATE doc)

Pages: 3
Subject: Specify the subject

Organize > Computer > AR-FM SHARE (\\hqsd8fvd01) (R) > RMD > FOIA > Case Files > FY10 FOIA > 10-003 > Admin > Letters

W Open Print Burn New folder

☆ Favorites

- Desktop
- Downloads
- Recent Places
- Libraries
- Documents
- Music
- Pictures
- Videos

Computer

- FOIA_Document_Repository (\\hqsd3fr11\OCAO) (A)
- Local Disk (C:)
- eberg (\\hqsd8fvd03\OCAO\HOME) (M)
- HQAPPS (\\hqsd3fr13) (P)
- HQSHARE (\\hqsd8fvd02\rema.net) (Q)
- AR-FM SHARE (\\hqsd8fvd01) (R)

Network

Name	Date modified	Type	Size
10-003 Denied in Part.doc	2/21/2012 4:15 PM	Microsoft Word 9...	35 KB
Acknowledgement (Standard).docx	8/2/2011 10:05 AM	Microsoft Word Doc...	19 KB

Acknowledgement (Standard).docx Title: Add a title
Microsoft Word Document Authors: DHS

Size: 18.9 KB
Date modified: 8/2/2011 10:05 AM

Tags: Add a tag
Categories: Add a category

Content status: A
Content type: A

Date: _____

Jourdean, Ecarl

From: (b)(6)
Sent: Friday, June 18, 2010 9:34 AM
To: Jourdean, Ecarl
Cc: Bernstein, Richard
Subject: RE: 10-104
Attachments: 10-104 FOIA Suspense Tracker to FL TRO.pdf; Fee Schedule.pdf
Sensitivity: Confidential

Ecarl,
Here is the Suspense Tracker and Fee Sheet.

(b)(6) (CTR)
Front Row, Inc.
FOIA Case Prep Team Lead
Federal Emergency Management Agency
Room 401 - Crystal City FEMA
1800 South Bell Street, 4th Floor
Arlington, VA 22208-3005
Phone: (b)(6)
Fax: (202) 546-1347
Email: (b)(6)@A-associates.com

From: Jourdean, Ecarl
Sent: Friday, June 18, 2010 9:27 AM
To: (b)(6) (CTR)
Cc: Bernstein, Richard
Subject: RE: 10-104
Sensitivity: Confidential

Hi (b)(6)

Thanks for the follow-up.

As a result of diligent research, the Agency determined that Orbit One changed its corporate identity to Numerex. Thereafter, the Agency attempted to notify Numerex in its current corporate identity to Numerex. Thereafter, the Agency attempted to notify Numerex in its current corporate identity pursuant to 44 CFR§ 5.57.

Per 44 C.F.R. 5.57 (2)(d) *Opportunity to object to disclosure.* (1) Through the notice described in paragraph (b) of this section, FEMA shall afford a submitter 7 working days within which to provide FEMA with a detailed statement of any objection to disclosure. Such statement shall specify all grounds for withholding any of the information under any exemptions of the Freedom of Information Act and, in the case of Exemption 4, shall demonstrate why the information is contended to be a trade secret or commercial or financial information which is considered privileged or confidential. Information provided by a submitter pursuant to this paragraph may itself be subject to disclosure under the FOIA.

Per your e-mails dated April 1, 2010 and June 18, 2010, the FEMA HQ FOIA has provided Numerex (formally Orbit One) a Submitter's Notice via certified mail on March 25, 2010 and June 18, 2010, respectively.

However, despite being provided **two (2) notices** by the Agency and an opportunity to object to disclosure regarding FOIA request #10-104 in compliance with 44 CFR §5.57 (2)(d), to date, Numerex has not responded to the Agency's Submitter's Notice.

Based on prior communiqués referenced in the e-mail string below, the Agency has made good faith efforts to provide Numerex with sufficient notice and an also, an opportunity to object to disclosure regarding FOIA request 10-104, pursuant to 44 CFR §5.57.

As such, please re-submit the FOIA Suspense Tracker and Cost Processing sheets.

Thereafter, the FRO Office of Chief Counsel, in conjunction with the FRO Contracting Procurement Office will finalize processing of FOIA 10-104 and the requested information. Redactions will be made, where necessary to insure compliance with 5 U.S.C. 552 exemptions.

Please feel free to contact the FRO OCC if your office requires additional information or assistance.

Sincerely,

E'CARL JOURDEAN, ATTORNEY ADVISOR

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

OFFICE OF CHIEF COUNSEL

**FL - LTRO, 36 SKYLINE DRIVE
ORLANDO, FLORIDA 32746**

TELEPHONE DIRECT LINE (b)(6)

CELL: (b)(6)

EMAIL: (b)(6)@DHS.GOV

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From: (b)(6) (CTR)
Sent: Friday, June 18, 2010 8:06 AM
To: Jourdean, Ecarl
Cc: Bernstein, Richard
Subject: RE: 10-104
Sensitivity: Confidential

Ecarl,

We sent another submitter's notice to Numerex on June 2nd and they received it on June 7th. We have no response to the submitter's notice.

(b)(6) (CTR)

Front Rowe, Inc.
FOIA Case Prep Team Lead
Federal Emergency Management Agency
Room 401, Crystal City FEMA
1800 South Bell Street, 4th Floor
Arlington, VA 20598-3005
Phone: (b)(6)
Fax: (202) 646-3347
(b)(6) @Associates DHS Gov

From: Jourdean, Ecarl
Sent: Tuesday, June 01, 2010 4:15 PM
To: (b)(6) (CTR)
Cc: Bernstein, Richard
Subject: RE: 10-104
Importance: High
Sensitivity: Confidential

Hi (b)(6)

Thanks for following-up re the status of the Submitter's Notice the HQ FOIA office sent for review to Numerex (formally Orbit One).

My understanding is that the HQ FOIA office has previously provided Orbit One statutory notice. In the interim, Orbit One's corporate identity became known as Numerex.

(b)(5)

Please feel free to contact me if you require additional information.

Sincerely,

E'CARL JOURDEAN, SENIOR COUNSEL

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

OFFICE OF CHIEF COUNSEL

FL - LTRO, 36 SKYLINE DRIVE
ORLANDO, FLORIDA 32746

TELEPHONE DIRECT LINE: (b)(6)

CELL: (b)(6)

EMAIL: (b)(6)@DHS.GOV

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From: (b)(6) (CTR)
Sent: Wednesday, May 12, 2010 7:47 AM
To: Jourdean, Earl
Subject: RE: 10-104
Sensitivity: Confidential

Earl,
Can you provide me a status of this request?

(b)(6) (CTR)
Front Rowe, Inc.
FOIA Case Prep Team Lead
Federal Emergency Management Agency
Room 401, Crystal City FEMA
1800 South Bell Street, 4th Floor
Arlington, VA 20598-3005
Phone: (b)(6)
Fax: (202) 646-3347
(b)(6)@Associates DHS Gov

From: (b)(6) (CTR)
Sent: Tuesday, April 13, 2010 8:46 AM
To: Jourdean, Earl
Cc: Bernstein, Richard; (b)(6)
Subject: RE: 10-104
Sensitivity: Confidential

Earl,
I just wanted to let you know that we have not received any response from the submitter's notice we sent to Numerex (Orbit One).

(b)(6)
Front Rowe, Inc., Contractor
FOIA Case Prep Team Lead
Federal Emergency Management Agency
Room 401, FEMA Crystal City
1800 South Bell Street
Arlington, VA 22202
Phone: (b)(6)
Fax: (202) 646-3347
(b)(6)@Associates DHS Gov

From: Jourdean, Ecarl
Sent: Thursday, April 01, 2010 4:41 PM
To: (b)(6) (CTR)
Cc: Bernstein, Richard; (b)(6)
Subject: RE: 10-104
Importance: High
Sensitivity: Confidential

Hi (b)(6)

Thanks for the follow-up and updates re the Submitter's Notice related to FOIA 10-104.

Sincerely,

E'CARL JOURDEAN, SENIOR COUNSEL

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

OFFICE OF CHIEF COUNSEL

**FL - LTRO, 36 SKYLINE DRIVE
ORLANDO, FLORIDA 32746**

TELEPHONE: DIRECT LINE: (b)(6)

CELL: (b)(6)

EMAIL: (b)(6) @DHS.GOV

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From: (b)(6) (CTR)
Sent: Thursday, April 01, 2010 9:04 AM
To: Jourdean, Ecarl
Cc: Bernstein, Richard; (b)(6)
Subject: RE: 10-104
Sensitivity: Confidential

Ecarl,

Thanks for the response. A submitter's notice was sent out on March 10, 2010 but was undeliverable. After researching Orbit One's new address, it was discovered that Orbit One was taken over by Numerex and a new submitter's notice was sent out on March 25, 2010. I will notify you if we receive a submitter's response by April 9.

(b)(6)

Front Rowe, Inc., Contractor
FOIA Case Prep Team Lead
Federal Emergency Management Agency
Room 401, FEMA Crystal City
1800 South Bell Street
Arlington, VA 22204
Phone (b)(6)
Fax (202) 646-3347
(b)(6)@Associates DHS.Gov

From: Jourdean, Ecarl
Sent: Thursday, April 01, 2010 8:47 AM
To: (b)(6) (CTR)
Cc: Bernstein, Richard; (b)(6)
Subject:
Importance: High
Sensitivity: Confidential

Hi (b)(6)

Per your inquiry regarding FOIA 10-104, please be advised of the following:

- On or about February 1, 2010, the FRO Office of Chief Counsel received FOIA request 10-104 from the (b)(6) HQ FOIA Office.
- The FRO OCC coordinated with the FRO Contracting Office to obtain the documents requested re FOIA 10-104 from HQ Records
- This was a lengthy process, coupled with the 2010 winter storms necessitating closing federal offices in Washington, D.C.
- Per the FOIA, a 'Submitters Notice' is required to be provided to the Contractor who originally submitted the commercial documents to FEMA re bids for contracts, etc.
- The FRO collaborated with Richard Bernstein, HQ OCC FOIA Specialist to draft a 'Submitter's Notice' template.
- Next, on or about March 4, 2010, the FRO OCC drafted the attached Word template and forwarded the same to the HQ FOIA Office.
- The next step is for the HQ FOIA Office to submit the 'Submitter's Notice' to Orbit One for review and follow-up.
- Thereafter, the HQ FOIA will notify the FRO of Orbit One's response, and where applicable, a determination will be made by the FRO Contracting Office, in collaboration with the FRO OCC which Orbit One documents should be released re FOIA 10-104.
- Subsequently, per standard procedure, these documents (where applicable) will be forwarded by the FRO OCC to the HQ FOIA Office, with the standard FOIA Cost Processing Sheet and the Suspense Tracker.

(b)(5)

Please advise if you require additional information and assistance from the FRO OCC.

Sincerely,

E'CARL JOURDEAN, SENIOR COUNSEL

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

OFFICE OF CHIEF COUNSEL

FL- 1/TRO, 36 SKYLINE DRIVE
ORLANDO, FLORIDA 32746

TELEPHONE DIRECT LINE: (b)(6)

CELL: (b)(6)

EMAIL: (b)(6)@DHS.GOV

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From: Bernstein, Richard [mailto:(b)(6)@dhs.gov]
Sent: Thursday, March 04, 2010 1:54 PM
To: (b)(6)
Cc: (b)(6) Jourdean, Ecarl
Subject: FW: Hi - quick thing, please?

(b)(6)

Here is the submitters notice template with the specific info plugged in for request no. 10-104 that our attorney in Florida provided to me. I was not sure if our attorney in Florida JFO should send it to the submitter or your office. Thanks.

Richard M. Bernstein, General Attorney

(b)(6)

From: (b)(6)
Sent: Thursday, March 04, 2010 12:01 PM
To: Bernstein, Richard
Subject: FW: hi - quick thing, please?

From: Bernstein, Richard

The above is a copy of the information submitted to the Florida Department of Law Enforcement, which is a public record of the Florida Department of Law Enforcement. The information is being provided to you for your information and is not to be used for any other purpose.

Please do not have the byline plate before

Thanks,

(b)(6)

Senior Attorney
FEMA, Office of General Law
Office of the Chief Counsel
Department of Homeland Security
500 C Street SW, Suite 715
Washington, DC 20472

(b)(6)

202-646-3958 (fax)

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From: (b)(6)@dhs.gov]
Sent: Thursday, March 04, 2010 6:41 AM
To: (b)(6)
Subject: RE: Hi - quick thing, please?

Hi (b)(6)

Attached is a copy of the submitter notice.

Thks

(b)(6)

From: (b)(6)@dhs.gov]
Sent: Wednesday, March 03, 2010 4:05 PM
To: (b)(6)
Subject: Hi - quick thing, please?

Hi (b)(6) - hope all okay over there and with you.

Could you please e-mail me a model "submitter's notice"?

That would be helpful to us!

Thanks,

(b)(6)

OCC

(b)(6)

Jourdean, Ecarl

From: (b)(6)
Sent: Monday, February 01, 2010 2:59 PM
To: Jourdean, Ecarl
Cc: (b)(6)
Subject: FW: FEMA 10-104
Attachments: 10-104 request.pdf, FOIA Suspense Tracker (5).pdf
Categories: Red Category

Please prepare a response items #2 and #6. Thank you

(b)(6)

Disclosure Branch
Office of Records Management
Management Directorate
Tel. (b)(6)

From: (b)(6)
Sent: Monday, February 01, 2010 2:18 PM
To: (b)(6)
Subject: RE: FEMA 10-104

(b)(6)

Until further notice, please forward this request to E'Carl Jourdean.

(b)(6)

Ms.

(b)(6)

Legal Assistant
Office of Chief Counsel
FEMA/Dept. of Homeland Security
Florida Recovery Office
36 Skyline Dr.
Lake Mary, Florida 32746
Office: (b)(6)
Cell: (b)(6)
Fax: 407-268-6917
(b)(6)@dhs.gov

"Through all kinds of weather, we'll all stick together..."

For F-L-O-R-I-D-A

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

From: (b)(6)
Sent: Monday, February 01, 2010 11:11 AM
To: (b)(6)
Subject: FW: FEMA 10-104

Katrina, would you kindly response to this FOOIA request- a portion belongs to FL TRO- which is item no. 2. Thank you!

(b)(6)

(b)(6)

Disclosure Branch
Office of Records Management
Management Directorate
Tel. (b)(6)

From: (b)(6)
Sent: Monday, February 01, 2010 11:06 AM
To: (b)(6)
Subject: RE: FEMA 10-104

It will have to come from your FL LTRO POC.

From: (b)(6)
Sent: Monday, February 01, 2010 10:56 AM
To: (b)(6)
Subject: FEMA 10-104

Good morning, (b)(6). I have your response for 10-104. The IBM portion seems complete. You have made a note that "copies of all contract between FEMA and Orbit one Communications LLC signed between January 1, 2007 and November 10, 2009. You indicated that response shall be obtained from the Regional POC. Do you know what office in the region I should send it to?

(b)(6)

Disclosure Branch
Office of Records Management
Management Directorate
Tel. (b)(6)

FEMA FOIA OFFICE

FOIA Case No: 10-104

Date: ~~Jan 11, 2010~~

To: Acquisitions

Suspense Date (Information required in Disclosure Office): Jan 15, 2010

If you have any questions, please contact:

Attachment(s): SEE REQUEST

INSTRUCTIONS FROM DISCLOSURE OFFICE:

- ☒ Search your records for responsive documents. (If your search locates voluminous records, please contact us with estimated number of pages and time to process records within 5 working days. The FOIA Office will contact the requester to see if we can narrow the scope of the request).
- ☒ Request you review the document(s) for release to the requestor.
- ☒ Upon completion of your review, return this form, the document(s) (if applicable) along with the unsigned final response letter to the requester to: FEMA FOIA Office.
- ☒ Record the time spent reviewing/coordinating on the request and the number of pages on the enclosed Processing Cost form.

COMMENTS FROM FEMA COMPONENT: (Check all that apply)

- ☐ Total release. **Attach the document(s) that you are going to release to the requester.**
- ☐ Recommend withholding information under FOIA exemption(s) _____. **Attach document(s) with the information that is to be withheld bracketed and the appropriate FOIA exemption(s) placed in the adjacent margin(s).**
- ☐ Recommend withholding the entire document(s) under the following FOIA exemptions(s). **Attach the document(s) to be withheld in its/their entirety.**
- ☐ NO RECORDS – Our search failed to locate the responsive document(s). In order to fulfill a No Records please annotate below what and how you searched for responsive documents (i.e. database, hard files, etc.) _____.
- ☐ We believe other FEMA office(s), DHS office(s), or other agencies should be involved in processing this request; recommend you contact: _____.

The following statement must be signed by the appropriate Subject Matter Expert who processed FOIA. I certify that all appropriate files have been searched and all responsive documents have been reviewed, copied and provided to the FEMA FOIA Office.

(Name/Title)

Phone #

(Date)

(b)(6) (CTR)

From: (b)(6)
Sent: Monday, October 25, 2010 7:25 AM
To: (b)(6) (CTR)
Subject: RE: 10-104

(b)(6)

I have pulled task orders I just need to make sure I have the correct contract. It looks like it could be between 250 and 500 pages.

I will confirm once I locate the request and compare the numbers.

(b)(6)

From: (b)(6) (CTR)
Sent: Friday, October 22, 2010 9:06 AM
To: (b)(6)
Cc: (b)(6)
Subject: FW: 10-104

(b)(6)

We you able to find the task orders below? The requester called the hotline requesting an update.

(b)(6) (CTR)
Front Rowe, Inc.
FOIA Case Prep Team Lead
Federal Emergency Management Agency
Room 401, Crystal City FEMA
1800 South Bell Street, 4th Floor
Arlington, VA 20598-3005
Phone: (b)(6)
Fax: (202) 646-3347
(b)(6) @Associates.DHS.Gov

From: (b)(6)
Sent: Monday, September 20, 2010 1:58 PM
To: (b)(6) (CTR)
Subject: RE: 10-104

(b)(6)

Sorry I misread the original e-mail and thought you were only inquiring about #6.

#6 w/FI Office ✓

#7, 10, 13-29, and 32-54 are all task orders.

#8,9,30, 31 are asking for the same blanket purchase agreement (contract) which you have ✓
#12 is asking for a different blanket purchase agreement (contract). I will have to pull and submit

I have provided all of the Stratix BPAs and task orders. They should be w/RM. I will pull the other BPA and try and locate the task orders.

(b)(6)

From: (b)(6) (CTR)
Sent: Monday, September 20, 2010 12:32 PM
To: (b)(6)
Subject: RE: 10-104

(b)(6)

The FL office only had the Orbit contract information which pertained to #2 and #6. Would they also have the Stratix Corporation contracts too? Are items #7-#56 task orders? I don't see any of these items in our file. All I have is the attached contract. Let me know if this fulfills questions #7-#56.

(b)(6) (CTR)
Front Rowe, Inc.
FOIA Case Prep Team Lead
Federal Emergency Management Agency
Room 401, Crystal City FEMA
1800 South Bell Street, 4th Floor
Arlington, VA 20598-3005
Phone: (b)(6)
Fax: (202) 648-3347
(b)(6) @Associates.DHS.Gov

From: (b)(6)
Sent: Monday, September 20, 2010 12:10 PM
To: (b)(6) (CTR)
Subject: RE: 10-104

Hi (b)(6)

That one is with the FL office.

(b)(6)

From: (b)(6) (CTR)
Sent: Monday, September 20, 2010 12:08 PM
To: (b)(6)
Subject: FW: 10-104

(b)(6)

Can you provide an update for items #6 through 54 of the request?

(b)(6) (CTR)
Front Rowe, Inc.
FOIA Case Prep Team Lead
Federal Emergency Management Agency
Room 401, Crystal City FEMA
1800 South Bell Street, 4th Floor
Arlington, VA 20598-3005
(b)(6)
Fax: (202) 648-3347
(b)(6) @Associates.DHS.Gov

From: (b)(6) (CTR)
Sent: Monday, June 28, 2010 10:22 AM
To: (b)(6)
Subject: 10-104

(b)(6)

Would you have the contracts listed in items #6-54?

(b)(6)

(CTR)

Front Rowe, Inc.
FOIA Case Prep Team Lead
Federal Emergency Management Agency
Room 401, Crystal City FEMA
1800 South Bell Street, 4th Floor
Arlington, VA 22204-2005
Phone: (b)(6)
Fax: (202) 646-3347
(b)(6) @Associates.DHS.Gov

RECORD OF FREEDOM OF INFORMATION (FOI) PROCESSING COST

1. REQUEST NUMBER 10-104 2. TYPE OF REQUEST (X one) ☒ a. INITIAL ☐ b. APPEAL 3. DATE COMPLETED (YYYY/MM/DD) 2010/06/18 4. ACTION OFFICE FRO ACC/DHS FEMA

5. CLERICAL HOURS

	FEE CODE	(1) TOTAL HOURS	(2) HOURLY RATE	(3) COST
a. SEARCH	1		X \$16.00	
b. REVIEW/EXCISING	2			
c. OTHER ADMINISTRATIVE COSTS	3			

6. PROFESSIONAL HOURS

	(1) TOTAL HOURS	(2) HOURLY RATE	(3) COST
a. SEARCH	1	X \$28.00	
b. REVIEW/EXCISING	2		56
c. OTHER/COORDINATION/DENIAL	3		

7. EXECUTIVE HOURS

	(1) TOTAL HOURS	(2) HOURLY RATE	(3) COST
a. SEARCH	1	X \$41.00	
b. REVIEW/EXCISING	2		164
c. OTHER/COORDINATION/DENIAL	3		

8. OFFICE MACHINE COPY REPRODUCTION

	(1) NUMBER	(2) RATE	(3) COST
a. PAGES REPRODUCED FOR FILE COPY	3	X .10	
b. PAGES RELEASED	4		

9. PRE-PRINTED PUBLICATIONS

	(1) TOTAL PAGES	(2) RATE	(3) COST
a. PAGES PRINTED	4	X .02	62

10. COMPUTER PRODUCT OUTPUT/ACTUAL COST CHARGES

	(1) NUMBER	(2) ACTUAL COST	(3) COST
a. TAPE/DISC/CD	5	X	
b. PAPER PRINTOUT	3		

FEE CODES

- Chargeable to "commercial" requesters. Chargeable to "other" requesters after deducting 2 hours.
- Chargeable to "commercial" requesters only.
- Not chargeable to any fee category.
- Chargeable to all fee categories after deduction of 100 pages (DOES NOT include "commercial").
- Chargeable to all fee categories. No deductions.

11. FOR FOI OFFICE USE ONLY

- TOTAL COLLECTABLE FEES
- TOTAL PROCESSING FEES
- TOTAL CHARGED
- FEES WAIVED/REDUCED (X one)
- FEES NOT APPLICABLE (X one)

	Yes	No
	Yes	No

Mr. Khizar Sheikh
Lowenstein Sandler, PC
65 Livingston Avenue
Roseland, New Jersey 07068

Re: **FEMA 10-104**

Dear Mr. Sheikh:

This is the final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA), dated November 11, 2009 and received by this office on November 12, 2009. You requested contracts with Numerex Corporation, Orbit One Communications, Stratix Corporation, IBM and Qinetiq Group between January 1, 2007 and November 10, 2009.

We conducted a comprehensive search of FEMA's Office of Chief Procurement Officer and Florida Transitional Recovery Office for documents responsive to your request. The search produced a total of 194 pages. Of those pages, we have determined that 106 pages of the records are releasable in their entirety, 71 pages are partially releasable and 17 pages are withheld in their entirety pursuant to Title 5 U.S.C. § 552(b)(4) and (b)(6).

FOIA Exemption 4 protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. The courts have held that this subsection protects (a) confidential commercial information, the disclosure of which is likely to cause substantial harm to the competitive position of the person who submitted the information and (b) information that was voluntarily submitted to the government if it is the kind of information that the provider would not customarily make available to the public. We reviewed the responsive documents, the submitter's objections to release, and relevant case law, and we determined that portions are exempt from disclosure under subsection (b)(4) of the FOIA and must be withheld in order to protect the submitter's proprietary interests.

FOIA Exemption 6 exempts from disclosure of personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private

interest you may have in that information does not factor into the aforementioned balancing test.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. As a courtesy, FEMA will not charge the fees incurred in the processing of this request.

If you need to contact our office again about this matter, please refer to **FEMA 10-104**. This office can be reached at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov.

Sincerely,

Monique R. Booker-Kasper
Acting Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: Responsive Documents on CD (194 pages)

REVIEW CHECKLIST

FOIA Request No. 10-104

Initial File Review:

- YES Responsive documents - compiled and OCR?
- N/A Hyperlinks deactivated/removed?
- YES Do you have the requester's full address on the letter? (over 30 pages)
- YES Is the Routing Slip current?
- YES Do you have a submitter's notice for contracts?
- YES Do you have signed taskers/e-mails from the appropriate components?

Final Coordination Folder:

- YES Is the one page Summary Sheet stapled to inner left side of folder and contains the purpose, scope of the request, extraordinary issues and an exemption and fee analysis?
- YES Are the following sections tabbed (a) Request & Acknowledgment letter (b) Correspondence (c) Search/taskers; (if applicable) (d) Records (e) 1st/2nd Submitter Notices and Submitter Comments?
- YES Is the computer folder organized?

Outgoing Response Letters (Do not use old office letters)

- YES Requester is addressed as Mr., Ms., or Dr.?
- YES States are spelled out and not abbreviated.
- YES Requester's full address on the letter if responsive documents are over 30 pages
- N/A Responsive Documents less than 30 pages include "SENT VIA E-MAIL TO: [INSERT THE E-MAIL ADDRESS HERE W/NO BRACES AROUND IT]" bold and underlined three spaces below the FEMA logo.
- N/A Do not include e-mail address in the requester's address block.
- YES Are all of the FEMA FOIA numbers bold i.e. **FEMA 11-000**?
- YES Are phone numbers listed properly as "(202) 646-3323"?
- YES Spell out single digit numbers, i.e., one through nine. When 2 or more numbers appear in a sentence, and 1 of them is 10 or larger, digits are used for each number; also digits are used when it is 10 or over, wherever it appears in the sentence. Only spell out the number when it starts the sentence, i.e. One hundred fifty-four (154) pages were located... Do not spell out large numbers within a sentence.
- YES Are citations listed properly? "Title 5 U.S.C. § 552(b)(6)" Do not split citation.
- YES Is the fee paragraph included? Citation included after paragraph. Do not split citation.
- YES Have you reviewed redactions on responsive documents to ensure exemptions codes are accurate?
- YES Have you reviewed the final response letter for typos? Used Spell Check?
- YES Are all exemptions claimed identified on final response letter?
- YES Have you initialed and dated the routing sheet?
- YES Have you updated the appeals paragraph?

Post-Team Lead (TL)/Quality Assurance (QA) Review

- N/A Have you initialed and/or replied to each comment identified by TL?
- N/A Is the TL QA e-mail/corrected letter included in the folder?

Post OCC Review

- N/A Have you completed all changes from OCC?
- N/A Did you save the changes as a new document? i.e. 12-000 OCC Comments
- N/A Have you redacted release documents and reviewed each redaction to ensure redactions are compliant?

Final Review

- N/A Redacted/final release documents are saved in final release folder? i.e. r_12-000 Redacted
- N/A Remove all comment bubbles from the redacted/final release documents.

Processed by: _____

Last updated: September 12, 2012

Khizar A. Sheikh
Associate

Tel (b)(6)

Fax 973 597 6377

(b)(6)@lowenstein.com

FREEDOM OF INFORMATION ACT REQUEST

November 11, 2009

VIA ELECTRONIC MAIL (FEMA-FOIA@DHS.GOV)
VIA FACSIMILE (202-646-3347)
VIA FEDEX

FOIA Officer
500 C Street, S.W., Room 840
Washington, D.C. 20472
FOIA Officer/Requester Service Center Contact: (b)(6)

Re: Freedom of Information Act Request

Dear (b)(6)

Pursuant to the procedures established under the Freedom of Information Act, 5 U.S.C. § 552, we respectfully request disclosure of certain documents in the possession of the Federal Emergency Management Agency ("FEMA") relating to FEMA's contracts with the following companies: Numerex Corp., Orbit One Communications LLC, Stratix Corporation, IBM Corporation, and Qinetiq Group. Please provide copies of the following:

1. Copies of all contracts between FEMA and Numerex Corporation that were signed between January 1, 2007 and November 10, 2009.
2. Copies of all contracts between FEMA and Orbit One Communications LLC that were signed between January 1, 2007 and November 10, 2009.
3. Copies of all contracts between FEMA and Stratix Corporation that were signed between January 1, 2007 and November 10, 2009.
4. Copies of all contracts between FEMA and Qinetiq Group that were signed between January 1, 2007 and November 10, 2009.
5. Copies of all contracts between FEMA and IBM Corporation that were signed between January 1, 2007 and November 10, 2009.

Lowenstein Sandler PC

In California, Lowenstein Sandler LLP

65 Livingston Avenue Roseland, NJ 07068 Tel 973 597 2500 Fax 973 597 2400

www.lowenstein.com

New York Palo Alto Roseland

November 11, 2009

6. Copies of all contracts with Contract ID HSFEFL08F0007, signed 10/25/07, between FEMA and Orbit One Communications LLC.
7. Copies of all contracts with Contract ID (HSFEHQ08J0001), signed 02/25/09, ^{TO} between FEMA and Stratix Corporation.
8. Copies of all contracts with Contract ID HSFEHQ07A0327, signed 05/31/07, ^{previously released in 07} between FEMA and Stratix Corporation.
9. Copies of all contracts with Contract ID HSFEHQ07A0327, signed 06/15/07, between FEMA and Stratix Corporation.
10. Copies of all contracts with Contract ID HSFEHQ06J0001, signed 01/31/07, ^{TO} between FEMA and Stratix Corporation.
11. Copies of all contracts with Contract ID HSFEHQ06J0001, signed 03/30/07, between FEMA and Stratix Corporation.
12. Copies of all contracts with Contract ID HSFEHQ06A0539, signed 01/31/07, ^{email 9/26/07} between FEMA and Stratix Corporation.
13. Copies of all contracts with Contract ID HSFEHQ06J0001, signed 02/28/07, ^{TO} between FEMA and Stratix Corporation.
14. Copies of all contracts with Contract ID HSFEHQ07J0001, signed 06/01/07, ^{TO} between FEMA and Stratix Corporation.
15. Copies of all contracts with Contract ID HSFEHQ06J0006, signed 01/31/07, ^{TO} between FEMA and Stratix Corporation.
16. Copies of all contracts with Contract ID HSFEHQ06J0009, signed 03/15/07, ^{TO} between FEMA and Stratix Corporation.
17. Copies of all contracts with Contract ID HSFEHQ07J0003, signed 07/09/07, ^{TO} between FEMA and Stratix Corporation.
18. Copies of all contracts with Contract ID HSFEHQ06J0009, signed 03/02/07, ^{TO} between FEMA and Stratix Corporation.
19. Copies of all contracts with Contract ID HSFEHQ08J0001, signed 03/07/08, ^{TO} between FEMA and Stratix Corporation.
20. Copies of all contracts with Contract ID HSFEHQ07J0001, signed 07/09/07, ^{TO} between FEMA and Stratix Corporation.

November 11, 2009

- between FEMA and Stratix Corporation.
21. Copies of all contracts with Contract ID HSFEHQ06J0007, signed 01/31/07, TO
 22. Copies of all contracts with Contract ID HSFEHQ08J0009, signed 12/19/07, TO
 23. Copies of all contracts with Contract ID HSFEHQ08J0009, signed 12/19/07, TO
 24. Copies of all contracts with Contract ID HSFEHQ07J0005, signed 08/16/07, TO
 25. Copies of all contracts with Contract ID HSFEHQ07J0002, signed 07/02/07, TO
 26. Copies of all contracts with Contract ID HSFEHQ08J0001, signed 03/04/08, TO
 27. Copies of all contracts with Contract ID HSFEHQ08J0003, signed 08/25/08, TO
 28. Copies of all contracts with Contract ID HSFEHQ06J0008, signed 02/02/07, TO
 29. Copies of all contracts with Contract ID HSFEHQ06J0001, signed 05/01/07, TO
 30. Copies of all contracts with Contract ID HSFEHQ07A0327, signed 03/04/08, BPA
 31. Copies of all contracts with Contract ID HSFEHQ07A0327, signed 09/22/08, BPA
 32. Copies of all contracts with Contract ID HSFEHQ07J0004, signed 07/06/07, TO
 33. Copies of all contracts with Contract ID HSFEHQ08J0005, signed 09/04/08, TO

November 11, 2009

34. Copies of all contracts with Contract ID HSFEHQ07J0007, signed 08/24/07, between FEMA and Stratix Corporation.
35. Copies of all contracts with Contract ID HSFEHQ07J0008, signed 11/09/07, between FEMA and Stratix Corporation.
36. Copies of all contracts with Contract ID HSFEHQ08J0001, signed 05/14/09, between FEMA and Stratix Corporation.
37. Copies of all contracts with Contract ID HSFEHQ08J0001, signed 09/23/09, between FEMA and Stratix Corporation.
38. Copies of all contracts with Contract ID HSFEHQ08J0001, signed 07/15/09, between FEMA and Stratix Corporation.
39. Copies of all contracts with Contract ID HSFEHQ08J0004, signed 09/01/08, between FEMA and Stratix Corporation.
40. Copies of all contracts with Contract ID HSFEHQ08J0004, signed 02/04/09, between FEMA and Stratix Corporation.
41. Copies of all contracts with Contract ID HSFEHQ08J0015, signed 09/11/08, between FEMA and Stratix Corporation.
42. Copies of all contracts with Contract ID HSFEHQ08J0016, signed 09/22/08, between FEMA and Stratix Corporation.
43. Copies of all contracts with Contract ID HSFEHQ08J0015, signed 09/25/08, between FEMA and Stratix Corporation.
44. Copies of all contracts with Contract ID HSFEHQ07J0008, signed 10/31/07, between FEMA and Stratix Corporation.
45. Copies of all contracts with Contract ID HSFEHQ07J0001, signed 05/08/08, between FEMA and Stratix Corporation.
46. Copies of all contracts with Contract ID HSFEHQ08J0001, signed 04/30/09, between FEMA and Stratix Corporation.
47. Copies of all contracts with Contract ID HSFEHQ08J0002, signed 07/08/08, between FEMA and Stratix Corporation.

November 11, 2009

48. Copies of all contracts with Contract ID HSFEHQ08J0004, signed 02/04/09, between FEMA and Stratix Corporation.
49. Copies of all contracts with Contract ID HSFEHQ09J0282, signed 01/30/09, between FEMA and Stratix Corporation.
50. Copies of all contracts with Contract ID HSFEHQ07J0006, signed 08/24/07, between FEMA and Stratix Corporation.
51. Copies of all contracts with Contract ID HSFEHQ08J0001, signed 02/04/09, between FEMA and Stratix Corporation.
52. Copies of all contracts with Contract ID HSFEHQ08J0005, signed 09/01/08, between FEMA and Stratix Corporation.
53. Copies of all contracts with Contract ID HSFEHQ08J0017, signed 09/30/08, between FEMA and Stratix Corporation.
54. Copies of all contracts with Contract ID HSFEHQ09J0295, signed 02/04/09, between FEMA and Stratix Corporation.

If you are unable to comply with this request, kindly advise and indicate the reason(s) for your inability to do so. If there are any other bureaus, divisions, or offices that may be able to provide the documents requested, please identify the name of the office and the individual to whom the request may be directed, together with their address and telephone number.

If there is a large volume of material potentially responsive to this request, I would appreciate the opportunity to inspect relevant files to select individual documents for copying. We are aware of the fee schedules set forth in the Freedom of Information Act and agree to pay all reasonable and standard processing, photocopying, and shipping fees and charges.

Thank you for your prompt attention to this request. If you should have any questions, please do not hesitate to contact me at (b)(6) or (b)(6) @lowenstein.com.

Very truly yours,

Khizar A. Sheikh

20543/2
11/11/09 12937953

**Lowenstein
Sandler**
ATTORNEYS AT LAW

Requesting
an update
on "10-104"

Khizar A. Sheikh
Counsel

Tel (b)(6)
Fax 973 597 6377

(b)(6) @lowenstein.com

FREEDOM OF INFORMATION ACT REQUEST

October 14, 2010

**VIA ELECTRONIC MAIL (FEMA-FOIA@DHS.GOV) & FACSIMILE (202-646-3347) &
FEDEX**

FOIA Officer
500 C Street, S.W., Room 840
Washington, D.C. 20472
Acting FOIA Officer/Requester Service Center Contact: Tammi Hines
Phone: 202-646-3323

Re: Freedom of Information Act Request, Dated November 11, 2009

Dear Ms. (b)(6)

On November 11, 2009, I sent to FOIA Officer/Requester Service Center Contact (b)(6) a letter requesting disclosure of certain documents in the possession of the Federal Emergency Management Agency ("FEMA") relating to FEMA's contracts with the following companies: Numerex Corp., Orbit One Communications LLC, Stratix Corporation, IBM Corporation, and Qinetiq Group. My November 11, 2009 letter to Ms. (b)(6) is attached as Exhibit A.

As of the date of this letter, my office has not received a response to my FOIA request. I would appreciate it if you would advise immediately as to the status, and whether you are able to comply with the requested disclosure of the information that was set forth in my November 11, 2009 letter.

Thank you in advance for your prompt attention to this request. If you should have any questions, please do not hesitate to contact me at (b)(6) or (b)(6) @lowenstein.com.

Very truly yours,

Khizar Sheikh
Khizar A. Sheikh
TAM

20543/2
10/14/10 15444656.1

Lowenstein Sandler PC In California, Lowenstein Sandler LLP

65 Livingston Avenue Roseland, NJ 07068 Tel 973 597 2500 Fax 973 597 2400

OCT 19 2010

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New York Palo Alto Roseland



FEMA

21 Nov 2011

Khizar Sheikh
Lowenstein Sandler, PC
65 Livingston Ave.
Roseland, NJ 07068

Re: FEMA 10-104

Dear Mr. Sheikh:

This letter is to confirm your continued interest in your Freedom of Information Act (FOIA) request, dated November 11, 2009 to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). Your request was received in this office on November 12, 2009.

Please be advised that, due to a recent reorganization, which resulted in staff reductions, we have experienced significant delays in processing request. If you are interested in continuing the processing of this request, you must indicate your continued interest in pursuing your request within 14 days from the date of this letter, or we will assume you are no longer interested in this FOIA request, and it will be administratively closed.

We sincerely apologize for the delay and any inconvenience it may have caused. However, we are making earnest and diligent efforts to reduce our backlog of cases and to improve upon our efficiencies and customer service.

If you are interested in pursuing your request, please contact this office at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov. Please reference the request identifier FEMA 10-104 in your communications with this office.

Sincerely,

Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: A copy of your request

Khizar A. Sheikh
Counsel

(b)(6)

Fax 973 597 6377

(b)(6)

@lowenstein.com

FREEDOM OF INFORMATION ACT REQUEST

November 29, 2011

VIA ELECTRONIC MAIL (FEMA-FOIA@DHS.GOV) & FACSIMILE (202-646-3347) & FEDEX

Dr. Anthony Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau
500 C Street SW
Washington, D.C. 20472

Re: Freedom of Information Act Request, Dated November 11, 2009, No. 10-104

Dear Dr. Bennett:

This letter is in response to your November 21, 2011 letter, through which you advised that we must inform your office within fourteen days if we maintained an interest in pursuing a FOIA request sent to DHS/FEMA on November 11, 2009. (Your letter is attached.)

Please be advised that we have a continued interest in pursuing this FOIA request, and ask that you process it immediately.

We acknowledge your stated reasons for the delay. Two years, however, is too long to wait for even a confirmation from your office that the requested documents exist. We would appreciate your prompt attention to this matter.

If you should have any questions, please do not hesitate to contact me at (b)(6) or (b)(6)@lowenstein.com. Thank you.

Very truly yours,

Khizar A. Sheikh

20543/2
11/29/11 1913053

Lowenstein Sandler PC

In California, Lowenstein Sandler LLP

65 Livingston Avenue Roseland, NJ 07068 Tel 973 597 2500 Fax 973 597 2400

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New York Palo Alto Roseland

Acknowledgement Letter



FEMA

DEC 07 2009

Khizar Sheikh
Lowenstein Sandler, PC
65 Livingston Ave.
Roseland, NJ 07068

FEMA 10-104

Dear Mr. Sheikh:

This acknowledges receipt of your November 11, 2009, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). Your request was received in this office on November 12, 2009. You requested the following information:

1. Copies of all contracts between FEMA and Numerex Corporation that were signed between January 1, 2007 and November 10, 2009. *N/A*
2. Copies of all contracts between FEMA and Orbit One Communications LLC that were signed between January 1, 2007 and November 10, 2009. *✓*
3. Copies of all contracts between FEMA and Stratix Corporation that were signed between January 1, 2007 and November 10, 2009. *✓*
4. Copies of all contracts between FEMA and Qinetiq Group that were signed between January 1, 2007 and November 10, 2009. *N/A*
5. Copies of all contracts between FEMA and IBM Corporation that were signed between January 1, 2007 and November 10, 2009.
6. Copies of all contracts with Contract ID HSFEFL08F0007, signed 10/25/07, *✓*
7. Copies of all contracts with Contract ID HSFEHQ08J0001, signed 02/25/09, *✓*
8. Copies of all contracts with Contract ID HSFEHQ07 A0327, signed 05/31/07, *✓*
9. Copies of all contracts with Contract ID HSFEHQ07A0327, signed 06/15/07, *✓ - Request.*
10. Copies of all contracts with Contract ID HSFEHQ06J0001, signed 01/31/07, *✓*
11. Copies of all contracts with Contract ID HSFEHQ06J0001, signed 03/30/07, *✓*
12. Copies of all contracts with Contract ID HSFEHQ06A0539, signed 01/31/07, *✓*
13. Copies of all contracts with Contract ID HSFEHQ06J0001, signed 02/28/07, *✓*
14. Copies of all contracts with Contract ID HSFEHQ07J0001, signed 06/01/07, *✓*

15. Copies of all contracts with Contract ID HSFEHQ06J0006, signed 01/31/07, between FEMA and Stratix Corporation.
16. Copies of all contracts with Contract ID HSFEHQ06J0009, signed 03/15/07, between FEMA and Stratix Corporation.
17. Copies of all contracts with Contract ID HSFEHQ07J0003, signed 07/09/07, between FEMA and Stratix Corporation.
18. Copies of all contracts with Contract ID HSFEHQ06J0009, signed 03/02/07, between FEMA and Stratix Corporation.
19. Copies of all contracts with Contract ID HSFEHQ08J0001, signed 03/07/08, between FEMA and Stratix Corporation.
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21. Copies of all contracts with Contract ID HSFEHQ06J0007, signed 01/31/07, between FEMA and Stratix Corporation.
22. Copies of all contracts with Contract ID HSFEHQ08J0009, signed 12/19/07, between FEMA and Stratix Corporation.
23. Copies of all contracts with Contract ID HSFEHQ08J0009, signed 12/19/07, between FEMA and Stratix Corporation.
24. Copies of all contracts with Contract ID HSFEHQ07J0005, signed 08/16/07, between FEMA and Stratix Corporation.
25. Copies of all contracts with Contract ID HSFEHQ07J0002, signed 07/02/07, between FEMA and Stratix Corporation.
26. Copies of all contracts with Contract ID HSFEHQ08J0001, signed 03/04/08, between FEMA and Stratix Corporation.
27. Copies of all contracts with Contract ID HSFEHQ08J0003, signed 08/25/08, between FEMA and Stratix Corporation.
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31. Copies of all contracts with Contract ID HSFEHQ07 A0327, signed 09/22/08, between FEMA and Stratix Corporation.
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 46. Copies of all contracts with Contract ID HSFEHQ08J0001, signed 04/30/09, between FEMA and Stratix Corporation.
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 48. Copies of all contracts with Contract ID HSFEHQ08J0004, signed 02/04/09, between FEMA and Stratix Corporation.
 49. Copies of all contracts with Contract ID HSFEHQ09J0282, signed 01/30/09, between FEMA and Stratix Corporation.
 50. Copies of all contracts with Contract ID HSFEHQ07J0006, signed 08/24/07, between FEMA and Stratix Corporation.
 51. Copies of all contracts with Contract ID HSFEHQ08J0001, signed 02/04/09, between FEMA and Stratix Corporation.
 52. Copies of all contracts with Contract ID HSFEHQ08J0005, signed 09/01/08, between FEMA and Stratix Corporation.
 53. Copies of all contracts with Contract ID HSFEHQ08J0017, signed 09/30/08, between FEMA and Stratix Corporation.
 54. Copies of all contracts with Contract ID HSFEHQ09J0295, signed 02/04/09, between FEMA and Stratix Corporation.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS interim FOIA regulations as they apply to commercial requestors; i.e., you will be charged 10-cents per page for duplication and for search and review time at the per quarter-hour rate for clerical (\$4.00), professional (\$7.00), and/or managerial (\$10.25) personnel. You will be contacted before any additional fees are accrued.

We have queried the appropriate component of FEMA for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

More information concerning the FOIA and implementing DHS regulations is available on-line at: www.dhs.gov/xfoia/editorial_0318.shtm.

Your request has been assigned reference number **FEMA 10-104**. Please refer to this identifier in any future correspondence. You may contact this office at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov.

Sincerely,

A handwritten signature in black ink that reads "Katina L. Hill". The signature is written in a cursive style with a large, stylized "K" and "H".

Katina Hill
Senior FOIA Specialist
Disclosure Branch
Office of Records Management
Management Directorate

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Sent To DUNSMIRE (ORBIT ONE) Street, Apt. No., or PO Box No. 1600 PARKWOOD CIR 5th FLR City, State, ZIP+4 ATLANTA GA 30339	
PS Form 3800, August 2005	

U.S. Department of Homeland Security
500 C Street, SW
Washington, DC 20472



FEMA

Dear Mrs. (b)(6)

The Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) has received a Freedom of Information Act (FOIA) request. The requester is seeking copies of;

- all contracts between FEMA and Orbit One Communications LLC that were signed between January 1, 2007 and November 10, 2009.
- all contracts with Contract ID HSFEFL08F0007, signed 10/25/07, between FEMA and Orbit One Communications L.L.C.

Executive Order 12600 and section 5.8 of the DHS FOIA regulations¹ require us to provide to you, the business information submitter, notice that a third party has requested copies of your business information. This letter constitutes notice to you that the above referenced FOIA request may contain the type of commercial information addressed in Executive Order 12600 and the DHS FOIA implementing regulations.

FOIA Exemption 4 protects "trade secrets and commercial or financial information...that is privileged or confidential." In determining whether submitted information is "confidential," the courts have articulated two standards depending upon whether the submission to the government was **required** or **voluntary**.²

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¹ 6 CFR § 5.8. The DHS regulations are available at www.DHS.gov.

² Please be aware that voluntary participation in an activity, such as seeking a government contract, does not govern whether a particular submission is "voluntary." At issue is whether the submission of the information was required from those who chose to participate.

³ *Judicial Watch, Inc. v. Exp.-Imp. Bank*, 108 F.Supp.2d 19, 29 (D.D.C. 2000).

⁴ *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).

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FEMA

U.S. Department of Homeland Security
500 C Street, SW
Washington, DC 20472

Sent To *Numerex (Orbit One) Stephen Black*
Street, Apt. No.,
or PO Box No. *1600 Parkwood Cir., 5th fl.*
City, State, ZIP+4 *Atlanta, GA 30339*

PS Form 3800, August 2006 See Reverse for Instructions

The Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) has received a Freedom of Information Act (FOIA) request. The requester is seeking copies of:

- all contracts between FEMA and Orbit One Communications LLC that were signed between January 1, 2007 and November 10, 2009.
- all contracts with Contract ID HSFEFL08F0007, signed 10/25/07, between FEMA and Orbit One Communications L.L.C.

Executive Order 12600 and section 5.8 of the DHS FOIA regulations¹ require us to provide to you, the business information submitter, notice that a third party has requested copies of your business information. This letter constitutes notice to you that the above referenced FOIA request may contain the type of commercial information addressed in Executive Order 12600 and the DHS FOIA implementing regulations.

FOIA Exemption 4 protects "trade secrets and commercial or financial information...that is privileged or confidential." In determining whether submitted information is "confidential," the courts have articulated two standards depending upon whether the submission to the government was **required** or **voluntary**.²

Commercial or financial information **required** to be submitted to the government is considered "confidential" if disclosure is likely to have either of the following two effects: (1) to impair the Government's ability to obtain necessary information in the future, or to result in a diminution of the "reliability" or "quality" of what will be submitted;³ or (2) to cause substantial harm to your competitive position.⁴

¹ 6 CFR § 5.8. The DHS regulations are available at www.DHS.gov.

² Please be aware that voluntary participation in an activity, such as seeking a government contract, does not govern whether a particular submission is "voluntary." At issue is whether the submission of the information was required from those who chose to participate.

³ *Judicial Watch, Inc. v. Exp.-Imp. Bank*, 108 F.Supp.2d 19, 29 (D.D.C. 2000).

⁴ *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).

Submitter's
Notice
Orbit One



FEMA

4/2/2008

Contracting Officer
Stratix Corp, The Stratix
4920 Avalon Ridge Parkway, Suite 600
Norcross, GA 300711572

Re: Submitters Notice 07-359

Dear Contracting Officer,

The Department of Homeland Security(DHS)/Federal Emergency Management Agency (FEMA) has received a Freedom of Information Act (FOIA) request from FedSources for FOIA request for contract HSFEHQ07A0327 awarded to Stratix Corporation on May 31, 2007, under Stratix Corporation.

Executive Order 12600 and section 5.8 of the DHS FOIA regulations¹ require us to provide to you, the business information submitter, notice that a third party has requested copies of your business information. This letter constitutes notice to you that the above referenced FOIA request may contain the type of commercial information addressed in Executive Order 12600 and the DHS FOIA implementing regulations.

FOIA Exemption 4 protects "trade secrets and commercial or financial information...[that is] privileged or confidential." In determining whether submitted information is "confidential," the courts have articulated two standards depending upon whether the submission to the government was **required** or **voluntary**.²

Commercial or financial information **required** to be submitted to the government is considered "confidential" if disclosure is likely to have either of the following two effects: (1) to impair the Government's ability to obtain necessary information in the future, or to result in a diminution of the "reliability" or "quality" of what will be submitted;³ or (2) to cause substantial harm to your competitive position.⁴

¹ 6 CFR § 5.8. The DHS regulations are available at www.DHS.gov.

² Please be aware that voluntary participation in an activity, such as seeking a government contract, does not govern whether a particular submission is "voluntary." At issue is whether the submission of the information was required from those who chose to participate.

³ *Judicial Watch, Inc. v. Exp.-Imp. Bank*, 108 F.Supp.2d 19, 29 (D.D.C. 2000).

⁴ *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).

submitter
Notices sent

Commercial or financial information **voluntarily** submitted to the government is considered "confidential" if the information is of a kind that you would not customarily release to the public.⁵

To assist this office in determining releasability of the content of these documents, please review the enclosed documents and provide your comments as to whether any of this information is confidential business information which should be withheld under FOIA Exemption 4.

If you have no objection to the release of this information, please provide a written response stating that you have no objections to the release.

If you believe that information should be withheld, you must return a copy of the documents, highlighting the information you want withheld. You must also provide a written response supporting the specific information that may likely cause substantial competitive harm that could result by its release. Sufficient justification must include a detailed analysis of how release of the information would cause competitive harm, i.e., how release of unit prices would allow competitors to "reverse-engineer" the pricing in order to determine how the prices were derived, how future prices will be established, and how the current pricing structure at issue in this contract would be relevant for any future government contract. Lastly, please indicate whether the information is normally made available to the public.

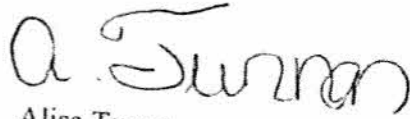
Because of the time constraints imposed by the FOIA, your comments and a copy of the relevant documents must be received by this office within ten (10) business days from receipt of this notice. If we do not receive your response by that date, your information may be released. Also, please be advised that pursuant to 6 C.F.R. § 5.8(f), "[i]nformation provided by the submitter that is not received by the component until after its disclosure decision has been made shall not be considered by the component." Please forward your comments to Alisa Turner, 500 C St, SW, Washington DC 20472. Your response should refer to case number 07-359.

Finally, please be advised that this office will make an independent assessment regarding the release of these records. However, if we receive your response within 10 business days, we will give your comments and justifications for withholding careful consideration when we are making our final disclosure decision. Prior to releasing any documents, we will provide you with a final notice indicating what information will be released.

⁵ *Critical Mass Energy Project v. NRC*, 975 F.2d 871 (D.C. Cir. 1992), *cert. denied*, 113 S.Ct. 1579 (1993).

If you have any questions regarding this matter, you may contact me at (b)(6) or via
email: FEMA-FOIA@fema.gov.

Sincerely,

A handwritten signature in black ink that reads "A. Turner". The signature is fluid and cursive, with the first name "A." and the last name "Turner" clearly distinguishable.

Alisa Turner
Deputy Director, Disclosure Office

Enclosures:

SEP 30 2009



FEMA

Contracting Officer
Stratix Corporation, The Stratix
4920 Avalon Ridge Parkway Suite 600
Norcross, GA 30071-1572

Re: **Submitter Notice 07-359**

Dear Contracting Officer:

The Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) has received a Freedom of Information Act (FOIA) request. The requester is seeking copies of HSFEHQ-07-A-0327.

Executive Order 12600 and section 5.8 of the DHS FOIA regulations¹ require us to provide to you, the business information submitter, notice that a third party has requested copies of your business information. This letter constitutes notice to you that the above referenced FOIA request may contain the type of commercial information addressed in Executive Order 12600 and the DHS FOIA implementing regulations.

FOIA Exemption 4 protects "trade secrets and commercial or financial information...that is privileged or confidential." In determining whether submitted information is "confidential," the courts have articulated two standards depending upon whether the submission to the government was **required** or **voluntary**.²

Commercial or financial information **required** to be submitted to the government is considered "confidential" if disclosure is likely to have either of the following two effects: (1) to impair the Government's ability to obtain necessary information in the future, or to result in a diminution of the "reliability" or "quality" of what will be submitted;³ or (2) to cause substantial harm to your competitive position.⁴

¹ 6 CFR § 5.8. The DHS regulations are available at www.DHS.gov.

² Please be aware that voluntary participation in an activity, such as seeking a government contract, does not govern whether a particular submission is "voluntary." At issue is whether the submission of the information was required from those who chose to participate.

³ *Judicial Watch, Inc. v. Exp.-Imp. Bank*, 108 F.Supp.2d 19, 29 (D.D.C. 2000).

⁴ *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).

Commercial or financial information **voluntarily** submitted to the government is considered "confidential" if the information is of a kind that you would not customarily release to the public.⁵

To assist this office in determining the releasable content of these documents, please review the appropriate documents and provide your comments as to whether any of this information is confidential business information which should be withheld under FOIA Exemption 4.

If you have no objection to the release of this information, please provide a written response stating that you have no objections to the release.

If you believe that information should be withheld, you must return a copy of the documents, highlighting the information you want withheld. You must also provide a written response supporting the specific information that may likely cause substantial competitive harm that could result by its release. Sufficient justification must include a detailed analysis of how release of the information would cause competitive harm, i.e., how release of unit prices would allow competitors to "reverse-engineer" the pricing in order to determine how the prices were derived, how future prices will be established, and how the current pricing structure at issue in this contract would be relevant for any future government contract. Lastly, please indicate whether the information is normally made available to the public.

Because of the time constraints imposed by the FOIA, your comments and a copy of the relevant documents must be received by this office within ten (10) business days from receipt of this notice. If we do not receive your response by that date, your information may be released. Also, please be advised that pursuant to 6 C.F.R. § 5.8(f), "information provided by the submitter that is not received by the component until after its disclosure decision has been made shall not be considered by the component." Please forward your comments to Alisa T. Henderson, Chief, Disclosure Branch, 1800 South Bell Street, Arlington, VA 20598-3005. Your response should refer to 07-359.

Finally, please be advised that this office will make an independent assessment regarding the release of these records. However, if we receive your response within 10 business days, we will give your comments and justifications for withholding careful consideration when we are making our final disclosure decision. Prior to releasing any documents, we will provide you with a final notice indicating what information will be released.

⁵ *Critical Mass Energy Project v. NRC*, 975 F.2d 871 (D.C. Cir. 1992), *cert. denied*, 113 S.Ct. 1579 (1993).

If you have any questions regarding this matter, you may contact this office at 202-646-3323 or via email: FEMA-FOIA@DHS.gov.

Sincerely,

(b)(6)

A large rectangular area of the document is redacted with a solid red fill, obscuring the signature of the sender.

Senior FOIA Specialist
Office of Records Management
Management Directorate

DEC 07 2010

U.S. Department of Homeland Security
500 C Street, SW
Washington, DC 20472



FEMA

Ms. Rajitha Uppalli
FOIA Research Analyst
FedSources
8400 Westpark Drive, 4th Floor
McLean, Virginia 22102

Re: **FEMA 07-359**

Dear Ms. Uppalli:

This is the final response to your June 4, 2007, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). You requested copies of documents related to Contract # HSFEHQ07A0327 awarded to Stratix Corporation on May 31, 2007, specifically, the basic contract, including the statement of work. This office received your request on June 5, 2007.

We have considered your request under the Freedom of Information Act, 5 U.S.C. § 552. We conducted a search of the Office of Acquisition Management for documents responsive to your request. This search produced a total of 127 pages. Of those pages, it has been determined that 110 pages of the records are partially releasable pursuant to Title 5 U.S.C. § 552 (b)(4) and 17 pages are withheld in their entirety pursuant to Title 5 U.S.C. § 552 (b)(4).

We have enclosed a copy of the documents to be released in response to your request. Any redactions are accompanied by the corresponding FOIA exemption:

FOIA Exemption 4 protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. The courts have held that this subsection protects (a) confidential commercial information, the disclosure of which is likely to cause substantial harm to the competitive position of the person who submitted the information and (b) information that was voluntarily submitted to the government if it is the kind of information that the provider would not customarily make available to the public.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

*Final release
on Stratix
contract in*

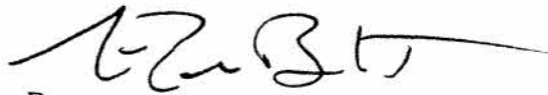
Rajitha Uppalli
FEMA 07-359

2

Provisions of the FOIA allow us to recover part of the cost of complying with your request. As a courtesy, FEMA will not charge the fees incurred in the processing of this request.

If you need to contact our office again about this matter, please refer to **FEMA 07-359**. This office can be reached at (202) 646-3323 or by e-mail at FEMA-FOIA@dhs.gov.

Sincerely,



Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure(s): Responsive Documents, 110 pages on CD

MAR 25 2010



FEMA

Numerex (Orbit One)

Attn: (b)(6)

1600 Parkwood Circle

5th Floor

Atlanta, GA 30339

Re: FOIA Request 10-104

Dear Mrs. (b)(6):

The Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) has received a Freedom of Information Act (FOIA) request. The requester is seeking copies of:

- all contracts between FEMA and Orbit One Communications LLC that were signed between January 1, 2007 and November 10, 2009.
- all contracts with Contract ID HSFEFL08F0007, signed 10/25/07, between FEMA and Orbit One Communications L.L.C.

Executive Order 12600 and section 5.8 of the DHS FOIA regulations¹ require us to provide to you, the business information submitter, notice that a third party has requested copies of your business information. This letter constitutes notice to you that the above referenced FOIA request may contain the type of commercial information addressed in Executive Order 12600 and the DHS FOIA implementing regulations.

FOIA Exemption 4 protects "trade secrets and commercial or financial information...that is privileged or confidential." In determining whether submitted information is "confidential," the courts have articulated two standards depending upon whether the submission to the government was **required** or **voluntary**.²

Commercial or financial information **required** to be submitted to the government is considered "confidential" if disclosure is likely to have either of the following two effects: (1) to impair the Government's ability to obtain necessary information in the future, or to result in a diminution of the "reliability" or "quality" of what will be submitted;³ or (2) to cause substantial harm to your competitive position.⁴

¹ 6 CFR § 5.8. The DHS regulations are available at www.DHS.gov.

² Please be aware that voluntary participation in an activity, such as seeking a government contract, does not govern whether a particular submission is "voluntary." At issue is whether the submission of the information was required from those who chose to participate.

³ *Judicial Watch, Inc. v. Exp.-Imp. Bank*, 108 F.Supp.2d 19, 29 (D.D.C. 2000).

⁴ *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).

Commercial or financial information **voluntarily** submitted to the government is considered "confidential" if the information is of a kind that you would not customarily release to the public.⁵

To assist this office in determining the releasable content of these documents, please review the appropriate documents and provide your comments as to whether any of this information is confidential business information which should be withheld under FOIA Exemption 4.

If you have no objection to the release of this information, please provide a written response stating that you have no objections to the release.

If you believe that information should be withheld, you must return a copy of the documents, highlighting the information you want withheld. You must also provide a written response supporting the specific information that may likely cause substantial competitive harm that could result by its release. Sufficient justification must include a detailed analysis of how release of the information would cause competitive harm, i.e., how release of unit prices would allow competitors to "reverse-engineer" the pricing in order to determine how the prices were derived, how future prices will be established, and how the current pricing structure at issue in this contract would be relevant for any future government contract. Lastly, please indicate whether the information is normally made available to the public.

Because of the time constraints imposed by the FOIA, your comments and a copy of the relevant documents must be received by this office within ten (10) business days from receipt of this notice. If we do not receive your response by that date, your information may be released. Also, please be advised that pursuant to 6 C.F.R. § 5.8(f), "information provided by the submitter that is not received by the component until after its disclosure decision has been made shall not be considered by the component." Please forward your comments to Alisa N. Turner, Chief, Disclosure Branch, 1800 South Bell Street, Arlington, VA 20598-3005. Your response should refer to FOIA request 10-104.

Finally, please be advised that this office will make an independent assessment regarding the release of these records. However, if we receive your response within 10 business days, we will give your comments and justifications for withholding careful consideration when we are making our final disclosure decision.

⁵ *Critical Mass Energy Project v. NRC*, 975 F.2d 871 (D.C. Cir. 1992), cert. denied, 113 S.Ct. 1579 (1993).

If you have any questions regarding this matter, you may contact this office at 202-646-3323 or via email: FEMA-FOIA@DHS.gov.

Sincerely,

(b)(6)

Senior FOIA Specialist
Disclosure Branch
Office of Records Management

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JAN 29 2010



FEMA

International Business Machines Corporation
6710 Rockledge Drive
Bethesda, MD 20817-1826

Re: Submitter Notice 10-104

Dear Contracting Officer:

The Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) has received a Freedom of Information Act (FOIA) request. The requester is seeking copies of contracts between FEMA and IBM Corporation that were submitted between January 1, 2007 and November 10, 2009.

Executive Order 12600 and section 5.8 of the DHS FOIA regulations¹ require us to provide to you, the business information submitter, notice that a third party has requested copies of your business information. This letter constitutes notice to you that the above referenced FOIA request may contain the type of commercial information addressed in Executive Order 12600 and the DHS FOIA implementing regulations.

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¹ 6 CFR § 5.8. The DHS regulations are available at www.DHS.gov.

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³ *Judicial Watch, Inc. v. Exp.-Imp. Bank*, 108 F.Supp.2d 19, 29 (D.D.C. 2000).

⁴ *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).

Commercial or financial information **voluntarily** submitted to the government is considered "confidential" if the information is of a kind that you would not customarily release to the public.⁵

To assist this office in determining the releasable content of these documents, please review the appropriate documents and provide your comments as to whether any of this information is confidential business information which should be withheld under FOIA Exemption 4.

If you have no objection to the release of this information, please provide a written response stating that you have no objections to the release.

If you believe that information should be withheld, you must return a copy of the documents, highlighting the information you want withheld. You must also provide a written response supporting the specific information that may likely cause substantial competitive harm that could result by its release. Sufficient justification must include a detailed analysis of how release of the information would cause competitive harm, i.e., how release of unit prices would allow competitors to "reverse-engineer" the pricing in order to determine how the prices were derived, how future prices will be established, and how the current pricing structure at issue in this contract would be relevant for any future government contract. Lastly, please indicate whether the information is normally made available to the public.

Because of the time constraints imposed by the FOIA, your comments and a copy of the relevant documents must be received by this office within ten (10) business days from receipt of this notice. If we do not receive your response by that date, your information may be released. Also, please be advised that pursuant to 6 C.F.R. § 5.8(f), "information provided by the submitter that is not received by the component until after its disclosure decision has been made shall not be considered by the component." Please forward your comments to Alisa N. Turner, Chief, Disclosure Branch, 1800 South Bell Street, Arlington, VA 20598-3005. Your response should refer to 10-104.

Finally, please be advised that this office will make an independent assessment regarding the release of these records. However, if we receive your response within 10 business days, we will give your comments and justifications for withholding careful consideration when we are making our final disclosure decision.

⁵ *Critical Mass Energy Project v. NRC*, 975 F.2d 871 (D.C. Cir. 1992), *cert. denied*, 113 S.Ct. 1579 (1993).

If you have any questions regarding this matter, you may contact this office at 202-646-3323 or via email: FEMA-FOIA@DHS.gov.

Sincerely,

(b)(6)

Senior FOIA Specialist
Disclosure Branch
Office of Records Management

(b)(6)

CTR)

From: FEMA-FOIA
Sent: Friday, February 19, 2010 9:18 AM
To: (b)(6)
Subject: RE: Submitter Notice 10-104

Hello Ms. (b)(6)

We will extend your due date to March 3, 2010.

Thanks,

(b)(6)

From: (b)(6)@us.ibm.com]
Sent: Friday, February 19, 2010 9:02 AM
To: FEMA-FOIA,
Subject: Fw: Submitter Notice 10-104

Good Morning (b)(6)

(b)(6) forwarded your email and the Notice 10-104 to my attention. We are in the process of evaluating the FOIA request and would like to have the due date extended to March 3, 2010 which is 10 business days from the day I received the notification. Should you wish to discuss my request please contact me via phone or email.

Regards,

(b)(6)

Contracts & Negotiations
IBM U.S. Federal, 800 North Frederick Ave Gaithersburg MD 20879
Phone: (b)(6) EMAIL: (b)(6)@us.ibm.com

Forwarded by Connie Bourne/Bethesda/IBM on 02/17/2010 11:06 AM

"FEMA-FOIA"
<Fema-
FOIA@dhs.gov>

(b)(6)

@IBMUS

02/17/2010 10:48
AM

Subject: RE: Submitter Notice 10-104

Hello (b)(6)

The contract numbers are HSFEHQ-06-A-0850 and HSFEHQ-07-P-0132.
Thanks,

(b)(6)

From: (b)(6) [mailto:(b)(6)@us.ibm.com]

Sent: Tuesday, February 16, 2010 4:55 PM

To: FEMA-FOIA,

Subject: Submitter Notice 10-104

Importance: High

Dear Ms. (b)(6)

In reference to my voice mail earlier today, I received the above referenced Notice today. Please note that there are many Contracting Officers at IBM and the letter did not specify a name, therefore, it took several weeks to get to me. Second, the letter did not specify contract numbers and in order to comply with the request, we need this information. Please also clarify what is meant by "copies of contracts between FEMA and IBM that were submitted". Kindly also note that the result may be one or thousands of contracts, therefore, the response time will depend upon the true nature of the request.

Thank you for your time.

Regards,

(b)(6)

(b)(6)

Sr. Contracts Manager
IBM U.S. Federal
2300 Dulles Station Road
Herndon, Virginia 20171

Voice: (b)(6)

Fax: 845-491-5188

(b)(6)

(CTR)

From:

(b)(6)

(CTR)

Sent:

Wednesday, March 31, 2010 11:37 AM

To:

(b)(6)

Subject:

10-104

(b)(6)

In reviewing this request, OAM submitted HSFEHQ-06-A-0850 as the only contract from IBM during the period of January 1, 2007 to November 10, 2009. In IBM's submitter response, they say they have HSFEHQ-06-A-0850 and HSFEHQ-07-P-0132. Can you confirm that HSFEHQ-07-P-0132 falls within that time period? If so, we would need a copy of that contract.

(b)(6)

Front Rowe, Inc., Contractor
FOIA Case Prep Team Lead
Federal Emergency Management Agency
Room 401, FEMA Crystal City
1800 South Bell Street
Arlington, VA 22202
Phone: (b)(6)
Fax: (202) 646-3347
(b)(6)@Associates.DHS.Gov

March 28, 2012

SUMMARY SHEET

Purpose: To obtain the approval and signature on the Final Response letter for the Freedom of Information Act (FOIA) **FEMA 10-131**

Discussion: Mr. James Murphy, submitted a FOIA request on November 27, 2009, seeking copies of

1. All letters of map change (LOMC) altering flood insurance rate maps of Federal Emergency Management Agency (FEMA) has issued in the State Missouri from 1985 to current date. NWF is specifically interested in copies of all letters of map change in the state of Missouri involving letters of map revision based on fill (generally referred to as letters of map revision - fill or LOMR-F) or due to levee construction, issued from 1985 to the current date.
2. Information and documents detailing the amount and location of land acreage in the state of Missouri these letters of map change have impacted through either removal from or inclusion in the requirements of the National Flood Insurance Program (NFIP) since 1985."

The Disclosure office received 65 boxes of responsive records from the Mitigation Office. A subset of available 558 pages of responsive documents has been redacted for the first interim release.

Additional records containing HEC files, maps and mappings were submitted to the Admin team for conversion March 27, 2012.

4/13/ 2012- File transferred from DS to AW.

**R:\RMD\FOIA\Case files\FY10FOIA\10-131\Responsive Records\Bracketed Documents
March 26 2012\ 10-131 Bracketed Docs Combined March 26, 2012 First Interim.**

Points of Contact

OCC

Connie Cook

(b)(6)

(b)(6)

Associate Chief Counsel

(b)(6)

(b)(6)

Knowledge

FOIA Case Profile (Draft)

Case Number: 10-131

Case Reviewer:

Date: 5/15/12

Overview

Summary Sheet contains the following information The Disclosure office received 65 boxes of responsive records from the Mitigation Office. A subset of available 558 pages of responsive documents has been redacted for the first interim release (do not see this in file). Need to confirm if 1st interim was complete. Case analysis form states that scope was changed to only include years 2000-2011. Were all of the necessary files retrieved?

File contains Disc H1 file - with 4 different folders - Disc H1-2008 (3067 total pages); Disc H1-2009 (1712) total pages; Disc H1-2010 (1205 total pages); Disc H1-Regional (467 total pages).

Initial Questions

-

3067

245
279
228
176

FOIA Case Issue Summary & Analysis

Case Number

10-131

Date of
Submission

05/04/2011

Analyst

(b)(6)

Case Summary

Request from National Wildlife Federation seeking numerous records on flood maps, and other documents. Voluminous responsive records from mitigation (they sent 64 boxes).

Fees totaled \$7,455.

Dr. Bennett spoke with requester on 03/17/11. Requester told him that he is still interested in the records but wants to narrow the scope to the years 2000 - 2011.

Case Issues

This was an inherited case. By the time I got it, the documents were here.
Now I have 64 cases of documents (the material is on CD) and the requester does not want them all.
How do I figure fees after the component has sent the documents and the fee sheet?

I need to arrive at a new figure to give this requester so that he can agree to it and I can proceed with his request.

Resolution

Reviewed by

Date

A

FEMA 10-131



Northeast Natural Resources Center
149 State Street
Montpelier, VT 05602
802.552.4325 (direct dial)
802.229.4532 (fax)

November 24, 2009

VIA FIRST CLASS MAIL AND EMAIL (debra.reed@dhs.gov)

(b)(6) FOIA Contact
Federal Emergency Management Agency, Region VII
9221 Ward Parkway, Suite 300
Kansas City, MO 64114-3372

RE: FREEDOM OF INFORMATION ACT REQUEST: Information Regarding Letters of Map Change for the State of Missouri

Dear Ms. (b)(6)

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. §552, the National Wildlife Federation (NWF) requests:

1. All letters of map change (LOMC) altering flood insurance rate maps the Federal Emergency Management Agency (FEMA) has issued in the state of Missouri from 1985 to the current date. NWF is specifically interested in copies of all letters of map change in the state of Missouri involving letters of map revision based on fill (generally referred to as letters of map revision - fill or LOMR-F) or due to levee construction, issued from 1985 to the current date.*
2. Information and documents† detailing the amount and location of land acreage in the state of Missouri these letters of map change have impacted through either removal

* If the scope of this request will take an exceedingly long amount of time to process, NWF may be open to tailoring this request to only information and documents concerning LOMR-F and LOMC issued due to levee construction from 1985 to the current date.

† Information and documents includes, but is not limited to, writings (handwritten, typed, electronic or otherwise produced, reproduced or stored), letters, inspection reports, memoranda, correspondence, notes, field notes, telephone conversations, telefaxes, e-mails, other documents, data bases, drawings, graphs, charts, maps, photographs, minutes of meetings, electronic and magnetic recordings of meetings, and any other compilation of data from which information can be obtained. All of the foregoing is included in this request if they are in the possession of or otherwise under the control of the FEMA. If such records are no longer under the control of the FEMA, but were at any time, records shall include any information of any kind, including, but not limited to, those types of information listed above, regarding the current location of such records.

November 24, 2009

Ms. (b)(6) FOIA Contact

Page 2 of 4

from or inclusion in the requirements of the National Flood Insurance Program (NFIP) since 1985.

The NWF requests prompt response to the above inquiry; the organization would prefer to receive ongoing updates of information satisfying the requests as soon as possible.

Mail responsive copies within 20 days of receipt of this letter to:

James Murphy
National Wildlife Federation
149 State Street
Montpelier, Vermont 05602

If you determine that portions of the records requested are exempt from disclosure, please segregate the exempt portions and mail the remaining records to the above location within the statutory time limits. For any records or portions of records that you determine to be exempt, please provide a specific description of the record or portion of the record exempted along with a particularized description of the exemption relied upon.

This FOIA request is made on behalf of NWF, the nation's largest non-profit conservation advocacy and education organization. NWF has over 4 million members and supporters, and has affiliate organizations in 47 states and territories, including Missouri. NWF's mission is to inspire Americans to protect wildlife for our children's future. As both a conservation education and advocacy organization, NWF clearly falls into the Department of Justice's (DOJ's) FOIA category of "news media, educational, or scientific requester."

The requested records specifically concern "identifiable operations or activities of the government." In particular, NWF seeks these records for their informative value in evaluating the legality and reasonableness of particular NFIP authorizations, as well as their value in more broadly evaluating the FEMA's administration of the NFIP program as it impacts natural resources in Missouri. FEMA's floodplain mapping activities, determination of flood insurance rate maps, and issuance of letters of map change are "identifiable operations or activities of the government." (DOJ Fee Waiver Factor No. 1 at www.usdoj.gov/oip/foi-act).

The requested records are "likely to contribute" to an understanding of these operations and activities because most of them were not otherwise in the public domain, and certainly were not generally accessible other than through a FOIA request. These documents are "meaningfully informative" with respect to understanding the FEMA's management of the NFIP and the affected and excluded property areas. (DOJ Fee Waiver Factor No. 2 at www.usdoj.gov/oip/foi-act).

Disclosure of the information requested will contribute to the understanding of the "public at large," as opposed to that of a narrow segment of interested persons. NWF has long-standing interest and expertise in the conservation of wetlands and endangered species, and maintains active environmental education and environmental defense programs toward this end.

November 24, 2009

Ms. (b)(6) FOIA Contact

Page 3 of 4

NWF and its members and affiliates are particularly concerned about endangered species protection and about FEMA's administration of the NFIP. NWF disseminates the information it receives through FOIA regarding these government operations and activities through analysis and distribution to the media, as well as distribution through mailing, posting on NWF's website, emailing, and listserv distribution to our members, affiliates, and like-minded interested parties nationally. In addition, NWF disseminates this information through congressional testimony, comments to administrative agencies, and where necessary, through the judicial system.

NWF unquestionably has the "specialized knowledge" and "ability and intention" to disseminate the information requested in the broad manner outlined above, and to do so in a manner that contributes to the understanding of the "public-at-large." As the DOJ guidance indicates, distribution through media channels, alone, is presumptively sufficient to satisfy this requirement. NWF has demonstrated that the information requested in this case will contribute to the understanding of the public at large. (DOJ Fee Waiver Factor No. 3 at www.usdoj.gov/oip/foi-act).

Disclosure of the information requested will also contribute "significantly" to the public's understanding of FEMA's decisions in the requested instances and in general. The specific files requested were identified for further examination precisely because they involve serious questions of the danger to habitat, floodplains, and wildlife species posed by development enabled and encouraged by the NFIP. The disclosure of the requested FEMA files is essential to understand and respond to FEMA's decisions that may negatively affect wildlife resources. (DOJ Fee Waiver Factor No. 4 at www.usdoj.gov/oip/foi-act).

Finally, the disclosure of this information to NWF is not "primarily," or even secondarily, in the organization's commercial interest. NWF does not intend to use this information in a manner that "furthers a commercial, trade, or profit interest as those terms are commonly understood." Any publication of any analysis of the requested information would be for the sole purpose of disseminating the information to the public at large to educate and advocate for the conservation of wetlands, wildlife, and water quality, and for protection of floodplains, wildlife species, habitat and natural resources. (Commercial Interest factor at www.usdoj.gov/oip/foi-act).

For the foregoing reasons, it is clear that the disclosure of the information requested is in the public interest because it is likely to contribute significantly to the public's understanding of FEMA's NFIP implementation decisions as they affect floodplain areas and wildlife species that rely on such areas and are impacted by the development of such areas. The public will be the primary beneficiary of this requested information. Therefore, please waive processing and copying fees pursuant to 5 U.S.C. § 552(a)(4). In any event, the request for a fee waiver should not be construed as an extension of time in which to reply to this FOIA request.

Thank you for your consideration. If you have any questions, please do not hesitate to call me at (b)(6).

November 24, 2009

(b)(5) FOIA Contact
Page 4 of 4

Sincerely,

/s/ James Murphy

James Murphy
Wetlands and Water Resources Counsel
National Wildlife Federation

THIS REQUEST HAS BEEN DROPPED AS OF:

DATE: 3/5/08

COMMENTS: ★ Case accidentally dropped when
meant to be extended.

CONTINUED
INTEREST

~~2008~~
FEMA

2008

CASE # 08-07-0023A

Mr. James Murphy
Wetlands and Water Resources Counsel
National Wildlife Federation
Northeast Natural Resources Center
149 State Street
Montpelier, Vermont 05602

Re: FEMA 10-064

Dear Mr. Murphy:

This letter is to confirm your continued interest in your Freedom of Information Act (FOIA) request, dated November 24, 2009, to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). A copy of your request is attached.

Please be advised that, due to a recent reorganization, which resulted in staff reductions, we have experienced significant delays in processing your request. If you are interested in continuing the processing of this request, you must indicate your continued interest in pursuing your request within 14 days from the date of this letter, or we will assume you are no longer interested in this FOIA request, and it will be administratively closed.

We sincerely apologize for the delay and any inconvenience it may have caused. However, we are making earnest and diligent efforts to reduce our backlog of cases and to improve upon our efficiencies and customer service.

If you are interested in pursuing your request, please contact this office at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov. Please reference the request identifier **FEMA 10-131** in your communications with this office.

Sincerely,

Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: A copy of your request

B - ROUTING SLIPS

INTERNAL ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)

		Initials	Date Rcvd	Date Cleared
1.	: Admin Specialist			
2.	Dr. Anthony M. Bennett: Disclosure Branch Chief			
3.	(b)(6) FOIA Specialist	(b)(6)		3/28/2012
4.			4/13/2012	
5.	Connie Cook : Team Lead			
6.	OCC			
7.	EA (for media, high visibility, Congressional & other external affairs issues)			
8.	: Team Lead			
9.	Dr. Anthony M. Bennett: Disclosure Branch Chief			

Action	File	Note and Return
Approval	For Review	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Info	Comment
Concurrence	Investigate	Signature
Coordination	Justify	Other (Note below)

REMARKS: Case # 10-131 1ST Interim Release

Mr. James Murphy, submitted a FOIA request on November 27, 2009, seeking copies of

1. All letters of map change (LOMC) altering flood insurance rate maps of Federal Emergency Management Agency (FEMA) has issued in the State Missouri from 1985 to current date. NWF is specifically interested in copies of all letters of map change in the state of Missouri involving letters of map revision based on fill (generally referred to as letters of map revision - fill or LOMR-F) or due to levee construction, issued from 1985 to the current date.

2. Information and documents detailing the amount and location of land acreage in the state of Missouri these letters of map change have impacted through either removal from or inclusion in the requirements of the National Flood Insurance Program (NFIP) since 1985.

The Disclosure office received 65 boxes of responsive records from the Mitigation Office. A subset of available 558 pages of responsive documents has been redacted for the first interim release.

Additional records containing IEC files, maps and mappings were submitted to the Admin team for conversion March 27, 2012.

4/13/ 2012- File transferred from DS to AW.

R:\RMD\FOIA\Case files\FY10FOIA\10-131\Responsive Records\Bracketed Documents March 26 2012\ 10-131 Bracketed Docs Combined March 26, 2012 First Interim.

FROM: (Name, org. symbol, Agency/Post)

(b)(6)

Location: (b)(6)

Phone Number: (b)(6)

INTERNAL ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)

		Initials	Date Rcvd	Date Cleared
1.	: Admin Specialist			
2.	Dr. Anthony M. Bennett: Disclosure Branch Chief			
3.	(b)(6) FOIA Specialist	(b)(6)		
4.	Connie Cook : Team Lead			
5.	OCC			
6.	EA (for media, high visibility, Congressional & other external affairs issues)			
7.	: Team Lead			
8.	Dr. Anthony M. Bennett: Disclosure Branch Chief			

Action	File	Note and Return
Approval	For Review	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Info	Comment
Concurrence	Investigate	Signature
Coordination	Justify	Other (Note below)

REMARKS: Case # FEMA 10-131

- *Dr. Bennett spoke with requester on 3/17/2011. Requester indicated his continued interest in the requested records. Requester also narrowed the scope of his request to years from 2000 to 2011.
- * Requester in his update request letter of September 29, 2010, expressed his interest to tailor his initial request to expedite the production of responsive records
- *Case assigned to me on 1/19/2012 while I was on vacation.
- * Reviewing case on 1/30/2012

FROM: (Name, org. symbol, Agency/Post)

Location: Rm (b)(6)

Phone Number:



Northeast Natural Resources Center
149 State Street
Montpelier, VT 05602
802.552.4325 (direct dial)
802.229.4532 (fax)

November 24, 2009

VIA FIRST CLASS MAIL AND EMAIL (debra.reed@dhs.gov)

(b)(6) FOIA Contact
Federal Emergency Management Agency, Region VII
9221 Ward Parkway, Suite 300
Kansas City, MO 64114-3372

RE: FREEDOM OF INFORMATION ACT REQUEST: Information Regarding Letters of Map Change for the State of Missouri

Dear (b)(6)

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. §552, the National Wildlife Federation (NWF) requests:

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* If the scope of this request will take an exceedingly long amount of time to process, NWF may be open to tailoring this request to only information and documents concerning LOMR-F and LOMC issued due to levee construction from 1985 to the current date.

† Information and documents includes, but is not limited to, writings (handwritten, typed, electronic or otherwise produced, reproduced or stored), letters, inspection reports, memoranda, correspondence, notes, field notes, telephone conversations, telefaxes, e-mails, other documents, data bases, drawings, graphs, charts, maps, photographs, minutes of meetings, electronic and magnetic recordings of meetings, and any other compilation of data from which information can be obtained. All of the foregoing is included in this request if they are in the possession of or otherwise under the control of the FEMA. If such records are no longer under the control of the FEMA, but were at any time, records shall include any information of any kind, including, but not limited to, those types of information listed above, regarding the current location of such records.

November 24, 2009

Ms. (b)(6) FOIA Contact

Page 2 of 4

from or inclusion in the requirements of the National Flood Insurance Program (NFIP) since 1985.

The NWF requests prompt response to the above inquiry; the organization would prefer to receive ongoing updates of information satisfying the requests as soon as possible.

Mail responsive copies within 20 days of receipt of this letter to:

James Murphy
National Wildlife Federation
149 State Street
Montpelier, Vermont 05602

If you determine that portions of the records requested are exempt from disclosure, please segregate the exempt portions and mail the remaining records to the above location within the statutory time limits. For any records or portions of records that you determine to be exempt, please provide a specific description of the record or portion of the record exempted along with a particularized description of the exemption relied upon.

This FOIA request is made on behalf of NWF, the nation's largest non-profit conservation advocacy and education organization. NWF has over 4 million members and supporters, and has affiliate organizations in 47 states and territories, including Missouri. NWF's mission is to inspire Americans to protect wildlife for our children's future. As both a conservation education and advocacy organization, NWF clearly falls into the Department of Justice's (DOJ's) FOIA category of "news media, educational, or scientific requester."

The requested records specifically concern "identifiable operations or activities of the government." In particular, NWF seeks these records for their informative value in evaluating the legality and reasonableness of particular NFIP authorizations, as well as their value in more broadly evaluating the FEMA's administration of the NFIP program as it impacts natural resources in Missouri. FEMA's floodplain mapping activities, determination of flood insurance rate maps, and issuance of letters of map change are "identifiable operations or activities of the government." (DOJ Fee Waiver Factor No. 1 at www.usdoj.gov/oip/foi-act).

The requested records are "likely to contribute" to an understanding of these operations and activities because most of them were not otherwise in the public domain, and certainly were not generally accessible other than through a FOIA request. These documents are "meaningfully informative" with respect to understanding the FEMA's management of the NFIP and the affected and excluded property areas. (DOJ Fee Waiver Factor No. 2 at www.usdoj.gov/oip/foi-act).

Disclosure of the information requested will contribute to the understanding of the "public at large," as opposed to that of a narrow segment of interested persons. NWF has long-standing interest and expertise in the conservation of wetlands and endangered species, and maintains active environmental education and environmental defense programs toward this end.

November 24, 2009

Ms. (b)(6) FOIA Contact

Page 3 of 4

NWF and its members and affiliates are particularly concerned about endangered species protection and about FEMA's administration of the NFIP. NWF disseminates the information it receives through FOIA regarding these government operations and activities through analysis and distribution to the media, as well as distribution through mailing, posting on NWF's website, emailing, and listserv distribution to our members, affiliates, and like-minded interested parties nationally. In addition, NWF disseminates this information through congressional testimony, comments to administrative agencies, and where necessary, through the judicial system.

NWF unquestionably has the "specialized knowledge" and "ability and intention" to disseminate the information requested in the broad manner outlined above, and to do so in a manner that contributes to the understanding of the "public-at-large." As the DOJ guidance indicates, distribution through media channels, alone, is presumptively sufficient to satisfy this requirement. NWF has demonstrated that the information requested in this case will contribute to the understanding of the public at large. (DOJ Fee Waiver Factor No. 3 at www.usdoj.gov/oip/foi-act).

Disclosure of the information requested will also contribute "significantly" to the public's understanding of FEMA's decisions in the requested instances and in general. The specific files requested were identified for further examination precisely because they involve serious questions of the danger to habitat, floodplains, and wildlife species posed by development enabled and encouraged by the NFIP. The disclosure of the requested FEMA files is essential to understand and respond to FEMA's decisions that may negatively affect wildlife resources. (DOJ Fee Waiver Factor No. 4 at www.usdoj.gov/oip/foi-act).

Finally, the disclosure of this information to NWF is not "primarily," or even secondarily, in the organization's commercial interest. NWF does not intend to use this information in a manner that "furthers a commercial, trade, or profit interest as those terms are commonly understood." Any publication of any analysis of the requested information would be for the sole purpose of disseminating the information to the public at large to educate and advocate for the conservation of wetlands, wildlife, and water quality, and for protection of floodplains, wildlife species, habitat and natural resources. (Commercial Interest factor at www.usdoj.gov/oip/foi-act).

For the foregoing reasons, it is clear that the disclosure of the information requested is in the public interest because it is likely to contribute significantly to the public's understanding of FEMA's NFIP implementation decisions as they affect floodplain areas and wildlife species that rely on such areas and are impacted by the development of such areas. The public will be the primary beneficiary of this requested information. Therefore, please waive processing and copying fees pursuant to 5 U.S.C. § 552(a)(4). In any event, the request for a fee waiver should not be construed as an extension of time in which to reply to this FOIA request.

Thank you for your consideration. If you have any questions, please do not hesitate to call me at (b)(6)

November 24, 2009

Ms. (b)(6) FOIA Contact

Page 4 of 4

Sincerely,

/s/ James Murphy

James Murphy
Wetlands and Water Resources Counsel
National Wildlife Federation



Northeast Nat
149 State St
Montpelier, V
802.552.4325
802.229.4532

3-4-10 update
request
response sent 3-5

10-19-10 update
request

79
242
-131

September 29, 2010

VIA FIRST CLASS MAIL AN

FOIA Officer
Federal Emergency Management Agency
500 C Street, S.W., Room 840
Washington, D.C. 20472

CC: Department of Homeland Security FOIA Public Liaison (foia@hq.dhs.gov)

RE: REQUEST FOR RESPONSIVE DOCUMENTS:
Information Regarding Letters of Map Change for the State of Missouri
Reference No. 10-131

Dear FOIA Officer:

The National Wildlife Federation (NWF) requests an immediate update on the status of request no. 10-131. NWF sent a Freedom of Information Act request on Nov. 24, 2009, seeking information on Letters of Map Change for the State of Missouri. According to a response written by Alisa T. Henderson, your office received this request on Nov. 27, 2009, and assigned it the identifying number 10-131. Subsequently, NWF has yet to receive any responsive documents fulfilling the request. NWF sent a request for a status update on Mar. 4, 2010, and received a response that FEMA was still processing the request. It has been almost a year since NWF's initial request was made, and over six months since we last inquired about the status of the request, with no further updates from FEMA.

The Freedom of Information Act requires government parties to make a determination upon any request for records within 20 business days, unless "unusual circumstances" require an extension of that time. 5 U.S.C. § 552(a)(6)(B)(i). The 20-day limit "may be extended by written notice to the person making such request, setting forth the unusual circumstances for such extension and the date on which a determination is expected to be dispatched." *Id.* FEMA's previous communication stated request no. 10-131 would be "held in abeyance pending the quantification of responsive records," but did not specify the unusual circumstances for this extended period, and did not provide any estimated date on which FEMA would make a determination. FEMA may not delay response due to NWF's request for a fee waiver; federal court precedent requires the agency to respond within the 20-day time limit for FOIA fee waiver requests, as well. *Judicial Watch, Inc. v. United States Dept. of Energy*, 310 F. Supp. 2d 271, 293 (D.D.C. 2004).

OCT 19 2010

RE: Reference No. 10-131
September 29, 2010

Because FEMA has not provided a response to our request within the applicable time limitations, the National Wildlife Federation considers FEMA to have violated the time limitations of 5 U.S.C. § 552. NWF also considers this extreme delay to be a constructive exhaustion of administrative remedies. Such delay entitles NWF to pursue judicial remedy under the provisions of 5 U.S.C. § 552(a)(4)(B) and applicable federal court precedent. *See, e.g., Oglesby v. United States Dept. of Army*, 920 F.2d 57, 61 (D.C. Cir. 1990).

As the 20-day time limit has expired for FEMA's response, NWF requests an immediate update from FEMA regarding this request. Please contact me at (b)(6) or (b)(6)@nwf.org with any questions or clarifications you may have regarding the original request or attempts to tailor the request to expedite the production of responsive documents. Please find enclosed copies of the original request, FEMA's response, and first request for a status update.

Sincerely,

/s/ James Murphy

James Murphy
Wetlands and Water Resource Counsel
National Wildlife Federation
149 State Street
Montpelier, VT 05602
(b)(6)
(b)(6)@nwf.org

/

Enclosures (3)



FEMA

James Murphy
Northeast Natural Resources Center
149 State Street
Montpelier, VT 05602

Re: **FEMA 10-131**

Dear Mr. Murphy:

This acknowledges receipt of your November 27, 2009, Freedom of Information Act (FOIA) request to the Federal Emergency Management Agency (FEMA). Your request was received in this office on November 27, 2009.

You are requesting information regarding letters of map change for the State of Missouri.

As it relates to your fee waiver request, your request will be held in abeyance pending the quantification of responsive records. The DHS FOIA Regulations, 6 CFR § 5.11(k)(2), set forth six factors to examine in determining whether the applicable legal standard for a fee waiver has been met: (1) Whether the subject of the requested records concerns "the operations or activities of the government;" (2) Whether the disclosure is "likely to contribute" to an understanding of government operations or activities; (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons; (4) Whether the contribution to public understanding of government operations or activities will be "significant;" (5) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and (6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor. If any responsive records are located, we will consider these factors in our evaluation of your request for a fee waiver.

More information concerning the FOIA and implementing DHS regulations is available on-line at: www.dhs.gov/xfoia/editorial_0318.shtml



Northeast Natural Resources Center
149 State Street
Montpelier, VT 05602
802.552.4325 (direct dial)
802.229.4532 (fax)

*Update request
from Requester.*

VIA EMAIL ONLY: FEMA-FOIA@dhs.gov

March 4, 2011

Alisa T. Henderson, FOIA Officer
Federal Emergency Management Agency
500 C Street, S.W., Room 840
Washington, D.C. 20472

**RE: STATUS INQUIRY OF FREEDOM OF INFORMATION ACT REQUEST:
Information Regarding Letters of Map Change for the State of Missouri
Reference No. 10-131**

Dear Ms. Henderson:

National Wildlife Federation (NWF) requests a response regarding the status of the November 24, 2009 request for records. (attached). Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. §552, NWF requested:

1. All letters of map change (LOMC) altering flood insurance rate maps the Federal Emergency Management Agency (FEMA) has issued in the state of Missouri from 1985 to the current date. NWF is specifically interested in copies of all letters of map change in the state of Missouri involving letters of map revision based on fill (generally referred to as letters of map revision - fill or LOMR-F) or due to levee construction, issued from 1985 to the current date.
2. Information and documents detailing the amount and location of land acreage in the state of Missouri these letters of map change have impacted through either removal from or inclusion in the requirements of the National Flood Insurance Program (NFIP) since 1985.

FOIA and regulations promulgated by the Department of Homeland Security (DHS) require that upon a request for records, an agency make a determination within 20 working days of its receipt and immediately notify the requesting party of such determination. 5 U.S.C. §552 (a)(6)(A)(i), 5 C.F.R. 5.5(a). While NWF received an undated letter from FEMA acknowledging receipt of NWF's request, FEMA has not provided responsive documents or any request for an extension.



Northeast Natural Resources Center
149 State Street
Montpelier, VT 05602
802.552.4325 (direct dial)
802.229.4532 (fax)

November 24, 2009

VIA FIRST CLASS MAIL AND EMAIL (fema-foia@dhs.gov)

Alisa T. Henderson, FOIA Officer
Federal Emergency Management Agency
500 C Street, S.W., Room 840
Washington, D.C. 20472

**RE: FREEDOM OF INFORMATION ACT REQUEST: Information Regarding
Letters of Map Change for the State of Missouri**

Dear Ms. Henderson:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. §552, the National Wildlife Federation (NWF) requests:

1. All letters of map change (LOMC) altering flood insurance rate maps the Federal Emergency Management Agency (FEMA) has issued in the state of Missouri from 1985 to the current date. NWF is specifically interested in copies of all letters of map change in the state of Missouri involving letters of map revision based on fill (generally referred to as letters of map revision - fill or LOMR-F) *or* due to levee construction, issued from 1985 to the current date.*
2. Information and documents† detailing the amount and location of land acreage in the state of Missouri these letters of map change have impacted through either removal from or inclusion in the requirements of the National Flood Insurance Program (NFIP) since 1985.

* If the scope of this request will take an exceedingly long amount of time to process, NWF may be open to tailoring this request to only information and documents concerning LOMR-F and LOMC issued due to levee construction from 1985 to the current date.

† Information and documents includes, but is not limited to, writings (handwritten, typed, electronic or otherwise produced, reproduced or stored), letters, inspection reports, memoranda, correspondence, notes, field notes, telephone conversations, telefaxes, e-mails, other documents, data bases, drawings, graphs, charts, maps, photographs, minutes of meetings, electronic and magnetic recordings of meetings, and any other compilation of data from which information can be obtained. All of the foregoing is included in this request if they are in the possession of or otherwise under the control of the FEMA. If such records are no longer under the control of the FEMA, but were at any time, records shall include any information of any kind, including, but not limited to, those types of information listed above, regarding the current location of such records.

receives through FOIA regarding these government operations and activities through analysis and distribution to the media, as well as distribution through mailing, posting on NWF's website, emailing, and listserv distribution to our members, affiliates, and like-minded interested parties nationally. In addition, NWF disseminates this information through congressional testimony, comments to administrative agencies, and where necessary, through the judicial system.

NWF unquestionably has the "specialized knowledge" and "ability and intention" to disseminate the information requested in the broad manner outlined above, and to do so in a manner that contributes to the understanding of the "public-at-large." As the DOJ guidance indicates, distribution through media channels, alone, is presumptively sufficient to satisfy this requirement. NWF has demonstrated that the information requested in this case will contribute to the understanding of the public at large. (DOJ Fee Waiver Factor No. 3 at www.usdoj.gov/oip/foi-act).

Disclosure of the information requested will also contribute "significantly" to the public's understanding of FEMA's decisions in the requested instances and in general. The specific files requested were identified for further examination precisely because they involve serious questions of the danger to habitat, floodplains, and wildlife species posed by development enabled and encouraged by the NFIP. The disclosure of the requested FEMA files is essential to understand and respond to FEMA's decisions that may negatively affect wildlife resources. (DOJ Fee Waiver Factor No. 4 at www.usdoj.gov/oip/foi-act).

Finally, the disclosure of this information to NWF is not "primarily," or even secondarily, in the organization's commercial interest. NWF does not intend to use this information in a manner that "furthers a commercial, trade, or profit interest as those terms are commonly understood." Any publication of any analysis of the requested information would be for the sole purpose of disseminating the information to the public at large to educate and advocate for the conservation of wetlands, wildlife, and water quality, and for protection of floodplains, wildlife species, habitat and natural resources. (Commercial Interest factor at www.usdoj.gov/oip/foi-act).

For the foregoing reasons, it is clear that the disclosure of the information requested is in the public interest because it is likely to contribute significantly to the public's understanding of FEMA's NFIP implementation decisions as they affect floodplain areas and wildlife species that rely on such areas and are impacted by the development of such areas. The public will be the primary beneficiary of this requested information. Therefore, please waive processing and copying fees pursuant to 5 U.S.C. § 552(a)(4). In any event, the request for a fee waiver should not be construed as an extension of time in which to reply to this FOIA request.



Northeast Natural Resources Center
149 State Street
Montpelier, VT 05602
802.552.4325 (direct dial)
802.229.4532 (fax)

September 29, 2010

VIA FIRST CLASS MAIL AND EMAIL (fema-foia@dhs.gov)

FOIA Officer
Federal Emergency Management Agency
500 C Street, S.W., Room 840
Washington, D.C. 20472

CC: Department of Homeland Security FOIA Public Liaison (foia@hq.dhs.gov)

RE: REQUEST FOR RESPONSIVE DOCUMENTS:
Information Regarding Letters of Map Change for the State of Missouri
Reference No. 10-131

Dear FOIA Officer:

The National Wildlife Federation (NWF) requests an immediate update on the status of request no. 10-131. NWF sent a Freedom of Information Act request on Nov. 24, 2009, seeking information on Letters of Map Change for the State of Missouri. According to a response written by Alissa T. Henderson, your office received this request on Nov. 27, 2009, and assigned it the identifying number 10-131. Subsequently, NWF has yet to receive any responsive documents fulfilling the request. NWF sent a request for a status update on Mar. 4, 2010, and received a response that FEMA was still processing the request. It has been almost a year since NWF's initial request was made, and over six months since we last inquired about the status of the request, with no further updates from FEMA.

The Freedom of Information Act requires government parties to make a determination upon any request for records within 20 business days, unless "unusual circumstances" require an extension of that time. 5 U.S.C. § 552(a)(6)(B)(i). The 20-day limit "may be extended by written notice to the person making such request, setting forth the unusual circumstances for such extension and the date on which a determination is expected to be dispatched." *Id.* FEMA's previous communication stated request no. 10-131 would be "held in abeyance pending the quantification of responsive records," but did not specify the unusual circumstances for this extended period, and did not provide any estimated date on which FEMA would make a determination. FEMA may not delay response due to NWF's request for a fee waiver; federal court precedent requires the agency to respond within the 20-day time limit for FOIA fee waiver requests, as well. *Judicial Watch, Inc. v. United States Dept. of Energy*, 310 F. Supp. 2d 271, 293 (D.D.C. 2004).

100-2010-10131

100-2010-10131
100-2010-10131
100-2010-10131

OCT 19 2010

RE: Reference No. 10-131
September 29, 2010

Because FEMA has not provided a response to our request within the applicable time limitations, the National Wildlife Federation considers FEMA to have violated the time limitations of 5 U.S.C. § 552. NWF also considers this extreme delay to be a constructive exhaustion of administrative remedies. Such delay entitles NWF to pursue judicial remedy under the provisions of 5 U.S.C. § 552(a)(4)(B) and applicable federal court precedent. *See, e.g., Oglesby v. United States Dept. of Army*, 920 F.2d 57, 61 (D.C. Cir. 1990).

As the 20-day time limit has expired for FEMA's response, NWF requests an immediate update from FEMA regarding this request. Please contact me at (b)(6) or (b)(6)@nwf.org with any questions or clarifications you may have regarding the original request or attempts to tailor the request to expedite the production of responsive documents. Please find enclosed copies of the original request, FEMA's response, and first request for a status update.

Sincerely,

/s/ James Murphy

James Murphy
Wetlands and Water Resource Counsel
National Wildlife Federation
149 State Street
Montpelier, VT 05602
(b)(6)
(b)(6)@nwf.org

/

Enclosures (3)



FEMA

James Murphy
Northeast Natural Resources Center
149 State Street
Montpelier, VT 05602

Re: **FEMA 10-131**

Dear Mr. Murphy:

This acknowledges receipt of your November 27, 2009, Freedom of Information Act (FOIA) request to the Federal Emergency Management Agency (FEMA). Your request was received in this office on November 27, 2009.

You are requesting information regarding letters of map change for the State of Missouri.



As it relates to your fee waiver request, your request will be held in abeyance pending the quantification of responsive records. The DHS FOIA Regulations, 6 CFR § 5.11(k)(2), set forth six factors to examine in determining whether the applicable legal standard for a fee waiver has been met: (1) Whether the subject of the requested records concerns "the operations or activities of the government;" (2) Whether the disclosure is "likely to contribute" to an understanding of government operations or activities; (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons; (4) Whether the contribution to public understanding of government operations or activities will be "significant;" (5) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and (6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor. If any responsive records are located, we will consider these factors in our evaluation of your request for a fee waiver.

More information concerning the FOIA and implementing DHS regulations is available on-line at: www.dhs.gov/xfoia/editorial_0318.shtm.

Your request has been assigned reference number **10-131**. Please refer to this identifier in any future correspondence. You may contact this office at 202.646.3323 or electronically at FEMA-FOIA@dhs.gov.

Sincerely,

(b)(6)

 
Alisa T. Henderson
Chief, Disclosure Branch
Office of Records Management
Management Directorate

From: (b)(6)
To: (b)(6) (CTR); (b)(6)
Subject: RE: FOIA 10 131
Date: Tuesday, February 15, 2011 11:05:25 AM

Thanks! Yes, I was looking at that. Excellent!

(b)(6)

FOIA Specialist
Disclosure Branch
Records Management Office
Management Directorate
Tele: (b)(6)
Fax: (202) 646-3347

From: (b)(6) (CTR)
Sent: Tuesday, February 15, 2011 11:04 AM
To: (b)(6); Hinkley, Kathryn; Taylor, Willie
Subject: RE: FOIA 10 131

Hi (b)(6)

Yes, the discs have everything that's in the boxes; please note, there are three versions of the files on the discs 1) FEMA's copy, which has no modifications, 2) a highlighted copy which shows where documents have been redacted and 3) the requestor's copy, which contains the redacted files.

(b)(6)

(b)(6) CFM
FEMA FEMA-Engineering Management Branch CTR
(b)(6)

From: (b)(6)
Sent: Tuesday, February 15, 2011 11:01 AM
To: (b)(6) (CTR); Hinkley, Kathryn; Taylor, Willie
Subject: RE: FOIA 10 131

Hi (b)(6) Thanks for responding so quickly
I located the boxes (all 65 of them). I also located the discs. Do these discs contain all of the records that are in the boxes?

(b)(6)

FOIA Specialist
Disclosure Branch

Records Management Office
Management Directorate
Tele: (b)(6)
Fax: (202) 646-3347

From: (b)(6) (CTR)
Sent: Tuesday, February 15, 2011 10:23 AM
To: Hinkley, Kathryn; (b)(6) Taylor, Willie
Subject: RE: FOIA 10 131

This response was delivered to (b)(6) back in October (please see attached related correspondence).

The Library has retained an electronic copy, as this was a very large response (note the 65 boxes referenced in the attached emails), however, there were several discs delivered with the hard copy of the response (the files take up approximately 150GB of memory).

(b)(6)

From: Hinkley, Kathryn
Sent: Monday, February 14, 2011 1:14 PM
To: (b)(6) Taylor, Willie
Cc: (b)(6) (CTR)
Subject: RE: FOIA 10 131

I only help with the tracking. I will check with (b)(6) on the whereabouts of the docs.

(b)(6) - can you please respond to these questions? Thanks.

Kathryn Hinkley
Insurance Examiner/COTR
DHS/FEMA MT RN OM
(b)(6) (FEMA)
(b)(6) (Blackberry)

From: (b)(6)
Sent: Monday, February 14, 2011 1:12 PM
To: Hinkley, Kathryn
Subject: FW: FOIA 10 131

Hi Kathryn,

This request has been transferred to me. I have the signed tracker and fee sheet. Thank you. What is the status of the responsive documents? Are they here somewhere or do you still have them? Can you tell me how many or approximately how many records (or boxes) there are? Are they in electronic form?
Thank you

(b)(6)

FOIA Specialist
Disclosure Branch
Records Management Office
Management Directorate
Tele: (b)(6)
Fax: (202) 646-3347

From: (b)(6)
Sent: Monday, February 14, 2011 8:23 AM
To: (b)(6)
Subject: FW: FOIA 10 131

Hi (b)(6) --

Here is another and again please let me know if you are not the appropriate analyst. Many thanks!

(b)(6)

From: Hinkley, Kathryn
Sent: Friday, February 11, 2011 7:00 AM
To: (b)(6)
Subject: FOIA 10 131

I have this as closed, per the above.

Kathryn Hinkley
Insurance Examiner/COTR
DHS/FEMA MT RN OM
(b)(6) (FEMA)
(b)(6) (Blackberry)

Name	Title	Company Name	Release/ Redact
(b)(6)	Dep Dist Engineer	State of Missouri	Redact
Beckeman, Ralph R.	Mayor	City of Ste Genevieve	Release
(b)(6)	Region VII	FEMA	Release
Blanton, William R. Jr.	Project Officer - Mitigation	FEMA	Release
Bode, Lyndon	Presiding Commisioner	Marion County	Release
(b)(6)	Preparer	Klingner & Associates, P.C.	Redact
(b)(6)	Supervisor		Redact
(b)(6)	co-principal investigator	MCC	Redact
(b)(6)	Project Leader	PBS&J	Redact
(b)(6)	Climatologists	Kentucky	Redact
(b)(6)	?	FEMA	Release
(b)(6)	Program Specialist	Appeals and Revision Team	Release
(b)(6)	Climatologists	Missouri	Redact
(b)(6)	Typed/Assembled Report		Redact
(b)(6)	Project Manager	PBS&J	Redact
Edwards, Gary	City Administrator	US Army Corps Of Engineers	Redact
(b)(6)	Registered, Professional Engineer	City of Ste Genevieve	Release
(b)(6)		State of Missouri	Redact
(b)(6)	City Engineer	Hungarian Meteoroglogical Svc	Redact
(b)(6)		Republic, MO	Redact
Goehl, Nancy	Presiding Commisioner	Greenhorne & O'Mara, Inc.	Redact
(b)(6)	Team Lead	Lewis County	Release
Haerr, Norman	President	PBS&J	Redact
(b)(6)		Fabius River Drainage District	Release
(b)(6)	Team Leader		Redact
(b)(6)	Supervisor	PBS&J	Release
(b)(6)	Climatologists		Redact
(b)(6)		Michigan	Redact
Huck, Dennis	Cnty Commissioner	IBM Research Division	Redact
Katt, Buck	Emergency Mgmt Agency	Ste Genevieve County	Release
(b)(6)		State of Missouri	Release
(b)(6)	Edited/Formatted Report	Nat'l Ctr for Atmospheric Research	Redact
			Redact



FEMA

Mr. James Murphy
Northeast Natural Resources Center
149 State Street
Montpelier, VT 05602

Re: FEMA 10-131

spell out
(First Interim)

Dear Mr. Murphy: ~

This is in final ^{first interim} response to your November 27, 2009 Freedom of Information Act (FOIA) request to the Federal Emergency Management Agency (FEMA), regarding letters of map change for the State of Missouri. Your request was received in this office on November 27, 2009.

We have considered your request under the Freedom of Information Act, 5 U.S.C. § 552. We conducted a search of FEMA Region VIII for responsive documents. This search produced a total of 581 pages. Of those pages, 524 pages are released in their entirety, and 57 pages are partially releasable, pursuant to Title 5 U.S.C. § 552 (b)(4) and (b)(6).

We have enclosed a copy of the documents to be released in response to your request. Any redactions are accompanied by the corresponding FOIA exemptions:

FOIA Exemption 4 protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. The courts have held that this subsection protects (a) confidential commercial information, the disclosure of which is likely to cause substantial harm to the competitive position of the person who submitted the information and (b) information that was voluntarily submitted to the government if it is the kind of information that the provider would not customarily make available to the public.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

Mr. James Murphy

FOIA 10-131 (First Interim)
~~FOIA~~
FEMA

Page 2

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. As a courtesy, FEMA will not charge the fees incurred in the processing of this request.

If you need to contact our office again about this matter, please refer to **FEMA 10-131**. This office can be reached at (202) 646-3323 or by e-mail at FEMA-FOIA@dhs.gov.

Sincerely,

Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure *g* (s): Responsive Document, CD-ROM containing 581 pages

From: (b)(6)
To: (b)(6)
Subject: FW: FOIA 10 131
Date: Monday, February 14, 2011 8:22:38 AM
Attachments: [CLF 10 131 Signed Tracker.pdf](#)
[CLF 10 131 Close FOI 10 131.htm](#)
[CLF 10 131 Fee estimate updated.pdf](#)
[CLF 10 131 Request.pdf](#)

Hi (b)(6)

Here is another and again please let me know if you are not the appropriate analyst. Many thanks!

(b)(6)

From: Hinkley, Kathryn
Sent: Friday, February 11, 2011 7:00 AM
To: (b)(6)
Subject: FOIA 10 131

I have this as closed, per the above.

Kathryn Hinkley
Insurance Examiner/COTR
DHS/FEMA MT RN OM
(b)(6) (FEMA)
(Blackberry)

From: Taylor, Willie
To: (b)(6) (CTR); Hinkley, Kathryn; FEMA-FOIA
Subject: FW: FOIA 10-131
Date: Monday, October 04, 2010 10:54:25 AM

Perhaps, we can add FEMA-FOIA in some discussion to have the records delivered directly to them, if they are a full disclosure.

From: (b)(6) (CTR)
Sent: Friday, October 01, 2010 9:17 AM
To: Taylor, Willie; (b)(6)
Cc: Hinkley, Kathryn; (b)(6)
Subject: FOIA 10-131

The library is in the process of boxing the response to this request, however, it is a **very** large response. The number of boxes it is going to take to process this response will not fit in my cubicle. So far, it just might not fit in two cubicles. What provisions are/can be made to accommodate this response when the Library has finished boxing it up?

(b)(6)

From: (b)(6)
To: Taylor, William; Binley, Kathryn
Cc: (b)(6)
Subject: Case 10-131
Date: Friday, July 16, 2010 5:36:05 PM
Attachments: FOIA Suspense Tracker.pdf
10-131 request.pdf

Good Evening:

Requesting a status update on FOIA Case 10-131. Please review the attach of the original request and the tasker. Thank You for assisting me in this request so that the FOIA Disclosure Branch may update the records.

Have a nice week end

(b)(6)
Management Analyst
FEMA, FOIA Program Branch
Office of Records Management Division
Office: (b)(6)

From: (b)(6) (CTR)
To: (b)(6)
Cc: (b)(6)
Subject: FW: FOIA 10 131 Hinkley, Kathryn; Taylor, Willie (b)(6) (CTR)
Date: Tuesday, July 13, 2010 12:29:48 PM

Hi (b)(6) it's a go for processing this FOIA (see below). I already know this will be a large number of boxes of data, so if possible, please provide an estimated delivery date so we can prepare to make accommodations.

(b)(6)

From: Hinkley, Kathryn
Sent: Tuesday, July 13, 2010 12:11 PM
To: (b)(6) (CTR); Taylor, Willie
Subject: FW: FOIA 10 131

See FEMA FOIA's direction.

Kathryn Hinkley
Insurance Examiner/COTR
DHS/FEMA MT RN
(b)(6)

From: FEMA-FOIA
Sent: Tuesday, July 13, 2010 12:09 PM
To: Hinkley, Kathryn
Subject: RE: FOIA 10 131

Please process, requester will pay.

Thanks,

(b)(6)

From: Hinkley, Kathryn
Sent: Tuesday, July 13, 2010 11:58 AM
To: FEMA-FOIA
Cc: Taylor, Willie; (b)(6) (CTR)
Subject: FW: FOIA 10 131

See cost estimate for this FOIA - awaiting payment before processing

Kathryn Hinkley
Insurance Examiner/COTR
DHS/FEMA MT RN
(b)(6)

From: (b)(6) (CTR)
Sent: Tuesday, July 13, 2010 10:41 AM
To: Taylor, Willie; Hinkley, Kathryn
Cc: (b)(6)
Subject: FW: FOIA 10 131

Attached for your use is the fee estimate associated with the current request 10-131. Since the total of the request is \$8,147 the library will wait for clear explicit instructions before proceeding with processing this request.

(b)(6)

From: (b)(6)@riskmapcds.com]
Sent: Tuesday, July 13, 2010 10:33 AM
To: (b)(6)
Cc: (b)(6)
Subject: RE: FOIA 10 131

(b)(6)

A cost estimate for this was done previously but we have updated it to include all the LOMR and LOMR-F up to date. This is actually bigger than the VA one (10-300) because we only sent the letter for that, this one they appear to be asking for information that will be in the whole case, not just in the letter. There are approximately a 1000 LOMR-F and 17 LOMR involving Levee's. We work on an average of 40 pages per LOMR-F and the LOMR's we counted the actual pages as far as possible. It takes anything from 10 ~ 15 minutes to highlight and redact a document.

Please let me know if you need additional information.

Thanks

(b)(6)

From: (b)(6) (CTR) [mailto:(b)(6)@associates.dhs.gov]
Sent: Monday, July 12, 2010 11:52 AM
To: (b)(6)
Cc: (b)(6)
Subject: RE: FOIA 10 131

Thanks (b)(6) I thought this request sounded familiar (in size).

(b)(6)

From: (b)(6)@riskmapcds.com]
Sent: Monday, July 12, 2010 11:52 AM
To: (b)(6)
Cc: (b)(6)
Subject: RE: FOIA 10 131

(b)(6)

We should have an estimate to you by COB Tuesday; this is going to be a huge one just like 10-300

(b)(6)

From: (b)(6)@associates.dhs.gov]
Sent: Monday, July 12, 2010 11:24 AM
To: (b)(6)

Cc: (b)(6)
Subject: FW: FOIA 10 131

Hi (b)(6)

Would you please provide a cost estimate for the attached request?

(b)(6)

From: Hinkley, Kathryn
Sent: Monday, July 12, 2010 11:15 AM
To: (b)(6) (CTR)
Cc: Taylor, Willie
Subject: FOIA 10 131

I think this might be a FOIA you can answer.

Kathryn Hinkley
Insurance Examiner/COTR
DHS/EEMA MT RN
(b)(6)

From: Jim Murphy
To: FEMA-FOIA
Subject: RE: FOIA Update Request - Reference No. 10-131
Date: Friday, March 05, 2010 12:03:18 PM

Thank you for the update.

Jim Murphy
Wetlands and Water Resources Counsel
National Wildlife Federation
149 State Street
Montpelier, Vermont 05602
phone: (b)(6)
fax: 802 229 4532
cell: (b)(6)
(b)(6)@nwf.org
www.nwf.org

NWF's mission is to inspire Americans to protect wildlife for our children's future.

>>> "FEMA-FOIA" <Fema-FOIA@dhs.gov> 3/5/2010 7:54 AM >>>
Hello Mr. Murphy,

The FOIA is still in the Program Office for the search of responsive documents. I will keep you updated on the progress.

Thanks,

(b)(6)

From: Jim Murphy [mailto:(b)(6)@nwf.org]
Sent: Thursday, March 04, 2010 4:44 PM
To: FEMA-FOIA,
Subject: FOIA Update Request - Reference No. 10-131

Dear Ms. Henderson:

Please see the attached. Thank you for your attention to this matter.
Please contact me with any questions.

Sincerely,

Jim Murphy
Wetlands and Water Resources Counsel
National Wildlife Federation

149 State Street
Montpelier, Vermont 05602
phone: 802 552 4325
fax: 802 229 4532
cell: (b)(6)
(b)(6)@nwf.org
www.nwf.org

NWF's mission is to inspire Americans to protect wildlife for our children's future.

From: Hinkley, Kathryn
To: (b)(6)
Cc: Taylor, Julie
Subject: FOIA 10 131
Date: Tuesday, January 25, 2011 2:12:22 PM
Attachments: SLR 10 131; Close 101210.htm

This one I have as closed and the attached email suggests it was given to (b)(6) back in October. If you cannot find it we will do another one. Thanks.

Kathryn Hinkley
Insurance Examiner/COTR
DHS/FEMA MT RN OM
(b)(6) (FEMA)
(Blackberry)

From: Jim.Murphy@nwf.org
To: FEMA-FOIA
Subject: RE: Request No. 10-131
Date: Wednesday, October 06, 2010 3:13:50 PM

Thank you.

From: FEMA-FOIA [mailto:Fema-FOIA@dhs.gov]
Sent: Wednesday, October 06, 2010 12:34 PM
To: Jim Murphy
Subject: RE: Request No. 10-131

Hello Mr. Murphy,

We have received your responsive documents today. We will start processing the documents, and I will keep you updated on the progress.

Thank you,

(b)(6)

From: Jim Murphy [mailto:(b)(6)@nwf.org]
Sent: Tuesday, October 05, 2010 2:05 PM
To: FEMA-FOIA
Subject: Request No. 10-131

Please see the attached documents. Thank you and please feel free to contact me if you have any questions.

Jim Murphy
National Wildlife Federation
Wetlands and Water Resources Counsel
149 State Street
Montpelier, VT 05602

(b)(6) (Phone); 802.229.4532 (Fax); (b)(6) (Cell)
(b)(6)@nwf.org

Inspiring Americans to protect wildlife for our children's future.

FEMA FOIA OFFICE
Freedom of Information Act (FOIA) Suspense Tracker

FOIA Case No: FEMA 10-131

Date: 07/12/2010

To: Willie Taylor, and (b)(6)

Suspense Date (Information required in Disclosure Office): _____

If you have any questions, please contact: _____

Attachment(s): SEE REQUEST

INSTRUCTIONS FROM DISCLOSURE OFFICE:

- ☒ Search your records for responsive documents. (If your search locates voluminous records, please contact us with estimated number of pages and time to process records within 5 working days. The FOIA Office will contact the requester to see if we can narrow the scope of the request).
- ☒ Request you review the document(s) for release to the requestor.
- ☒ Upon completion of your review, return this form, the document(s) (if applicable) along with the unsigned final response letter to the requester to: FEMA FOIA Office.
- ☒ Record the time spent reviewing/coordinating on the request and the number of pages on the enclosed Processing Cost form.

COMMENTS FROM FEMA COMPONENT: (Check all that apply)

- ☐ Total release. Attach the document(s) that you are going to release to the requester.
- ☒ Recommend withholding information under FOIA exemption(s) (b)(6). Attach document(s) with the information that is to be withheld bracketed and the appropriate FOIA exemption(s) placed in the adjacent margin(s).
- ☐ Recommend withholding the entire document(s) under the following FOIA exemptions(s). Attach the document(s) to be withheld in its/their entirety.
- ☐ NO RECORDS - Our search failed to locate the responsive document(s). In order to fulfill a No Records please annotate below what and how you searched for responsive documents(i.e. database, hard files, etc.)
- ☐ We believe other FEMA office(s), DHS office(s), or other agencies should be involved in processing this request, recommend you contact: _____

The following statement must be signed by the appropriate Subject Matter Expert who processed FOIA. I certify that all appropriate files have been searched and all responsive documents have been reviewed, copied and provided to the FEMA FOIA Office.

(b)(6)

Phone # _____

(Date)

RECORD OF FREEDOM OF INFORMATION (FOI) PROCESSING COST

1. REQUEST NUMBER <div style="text-align: center;">10-131</div>	2. TYPE OF REQUEST (X one) <div style="display: flex; justify-content: space-between;"><div><input checked="" type="checkbox"/> a. INITIAL</div><div><input type="checkbox"/> b. APPEAL</div></div>	3. DATE COMPLETED (yyyy/mm/cc) <div style="text-align: center;">07/13/2010</div>	4. ACTION OFFICE
--	--	---	------------------

5. CLERICAL HOURS		FEE CODE	(1) TOTAL HOURS	(2) HOURLY RATE	(3) COST
a. SEARCH		1	10	X <div style="border: 1px solid black; padding: 5px; display: inline-block;">\$16.00</div> =	
b. REVIEW/EXCISING		2	160		
c. OTHER ADMINISTRATIVE COSTS		3			
					2720

6. PROFESSIONAL HOURS		FEE CODE	(1) TOTAL HOURS	(2) HOURLY RATE	(3) COST
a. SEARCH		1		X <div style="border: 1px solid black; padding: 5px; display: inline-block;">\$28.00</div> =	
b. REVIEW/EXCISING		2	20		
c. OTHER/COORDINATION/DENIAL		3			
					560

7. EXECUTIVE HOURS		FEE CODE	(1) TOTAL HOURS	(2) HOURLY RATE	(3) COST
a. SEARCH		1		X <div style="border: 1px solid black; padding: 5px; display: inline-block;">\$41.00</div> =	
b. REVIEW/EXCISING		2			
c. OTHER/COORDINATION/DENIAL		3			

8. OFFICE MACHINE COPY REPRODUCTION		FEE CODE	(1) NUMBER	(2) RATE	(3) COST
a. PAGES REPRODUCED FOR FILE COPY		3	48674	X <div style="border: 1px solid black; padding: 5px; display: inline-block;">.10</div> =	
b. PAGES RELEASED		4			
					4867

9. PRE-PRINTED PUBLICATIONS		FEE CODE	(1) TOTAL PAGES	(2) RATE	(3) COST
a. PAGES PRINTED		4		X <div style="border: 1px solid black; padding: 5px; display: inline-block;">.02</div> =	

10. COMPUTER PRODUCT OUTPUT/ACTUAL COST CHARGES		FEE CODE	(1) NUMBER	(2) ACTUAL COST	(3) COST
a. TAPE/DISC/CD		5		X <div style="border: 1px solid black; padding: 5px; display: inline-block;"></div> =	
b. PAPER PRINTOUT		3			

FEE CODES

1. Chargeable to "commercial" requesters. Chargeable to "other" requesters after deducting 2 hours.
2. Chargeable to "commercial" requesters only.
3. Not chargeable to any fee category.
4. Chargeable to all fee categories after deduction of 100 pages (DOES NOT include "commercial").
5. Chargeable to all fee categories. No deductions.

11. FOR FOI OFFICE USE ONLY

- a. TOTAL COLLECTABLE FEES
- b. TOTAL PROCESSING FEES
- c. TOTAL CHARGED
- d. FEES WAIVED/REDUCED (X one)
- e. FEES NOT APPLICABLE (X one)

Yes	No	
Yes	No	



FEMA

Jeffrey A. Walker
Butler | Snow
PO Box 6010
Ridgeland, MS 39158-6010

JAN 12 2010

Re: **FEMA 10-200**

Dear Mr. Walker:

This acknowledges receipt of your December 31, 2009, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). Your request was received in this office on January 8, 2010. You requested copies of the following during the time period of August 1, 2005 to the present:

1. All records and documents reflecting communications between the White House and FEMA or NFIP related to expediting the adjustment of flood claims by WYO carriers under the NFIP filed as a result of Hurricane Katrina.
2. All records and documents reflecting communications between the office of the Secretary of DHS and FEMA or NFIP related to expediting the adjustment of flood claims by WYO carriers under the NFIP filed as a result of Hurricane Katrina.
3. All records and documents reflecting communications between a state government official and FEMA or NFIP related to expediting the adjustment of flood claims by WYO carriers under the NFIP filed as a result of Hurricane Katrina.
4. All records and documents reflecting communications between a member of Congress, or the staff of a member of Congress, and FEMA or NFIP related to expediting the adjustment of flood claims by WYO carriers under the NFIP filed as a result of Hurricane Katrina.
5. All records and documents reflecting communications between FEMA or NFIP and WYO Carriers related to the reasons for expediting the adjustment of flood claims under the NFIP filed as a result of Hurricane Katrina.
6. All records and documents related to expediting the adjustment of flood claims under the NFIP filed as a result of Hurricane Katrina.

7. All records and documents related to procedures, processes, programs, methods or estimatic tools suggested or used by WYO Carriers to adjust flood claims under the NFIP, including XactTotal, Marshall Swift, and other similar total valuation or loss valuation tools.
8. All records and documents related to FEMA's reinspection of flood claims under the NFIP filed in connection with Hurricane Katrina in which expedited adjusting processes were used by WYO Carriers.
9. All records and documents related to FEMA's audits of flood claims under the NFIP filed in connection with Hurricane Katrina in which expedited adjusting processes were used by WYO Carriers.
10. All records and documents related to DHS's audits of flood claims under the NFIP filed in connection with Hurricane Katrina in which expedited adjusting processes were used by WYO Carriers.
11. All records, audits, reports, memoranda or inspection reports related to the performance of WYO Carriers in the adjustment of flood claims under the NFIP filed as a result of Hurricane Katrina.
12. All training materials prepared by FEMA/NFIP or any entity acting for or with FEMA (for example, contractors or WYO Carriers) related to the adjustment or inspection (or reinspection) of flood claims under the NFIP filed as a result of or in anticipation of Hurricane Katrina.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS interim FOIA regulations as they apply to commercial requestors; i.e., you will be charged 10-cents per page for duplication and for search and review time at the per quarter-hour rate for clerical (\$4.00), professional (\$7.00), and/or managerial (\$10.25) personnel. You stated in your request that you are willing to pay assessable fees up to \$10,000. You will be contacted before any additional fees are accrued.

We have queried the appropriate component of DHS for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

More information concerning the FOIA and implementing DHS regulations is available on-line at: www.dhs.gov/xfoia/editorial_0318.shtm.

Your request has been assigned reference number **FEMA 10-200**. Please refer to this identifier in any future correspondence. You may contact this office at 202-646-3323 or electronically at FEMA-FOIA@dhs.gov.

Sincerely,

(b)(6)

Senior FOIA Specialist
Disclosure Branch
Office of Records Management
Management Directorate

Acknowledgement Letter

Records Requested:

1. All records and documents reflecting communications between the White House and FEMA or NFIP related to expediting the adjustment of flood claims by WYO carriers under the NFIP filed as a result of Hurricane Katrina.
2. All records and documents reflecting communications between the office of the Secretary of DHS and FEMA or NFIP related to expediting the adjustment of flood claims by WYO carriers under the NFIP filed as a result of Hurricane Katrina.
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6. All records and documents related to expediting the adjustment of flood claims under the NFIP filed as a result of Hurricane Katrina.
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9. All records and documents related to FEMA's audits of flood claims under the NFIP filed in connection with Hurricane Katrina in which expedited adjusting processes were used by WYO Carriers.

*Withdrawn
by 6-9-23/2011
9/13/2011*

Withdrawn 10.
by
Requester
9/13/11 11.

- All records and documents related to DHS's audits of flood claims under the NFIP filed in connection with Hurricane Katrina in which expedited adjusting processes were used by WYO Carriers.
- All records, audits, reports, memoranda or inspection reports related to the performance of WYO Carriers in the adjustment of flood claims under the NFIP filed as a result of Hurricane Katrina.
12. All training materials prepared by FEMA/NFIP or any entity acting for or with FEMA (for example, contractors or WYO Carriers) related to the adjustment or inspection (or reinspection) of flood claims under the NFIP filed as a result of or in anticipation of Hurricane Katrina.

The relevant time period for this request begins on August 1, 2005 and continues through the present. This request is intended for commercial use.

I request that you treat each request as a separate request, that you provide documents responsive to each request as soon as individual records are available, and that you not await the compilation of the entirety of the materials covered by this FOIA request.

As you know, the FOIA, as amended, provides that if any parts of a file or record are exempt from disclosure, "reasonably segregable" portions must be released. Therefore, I request that, if you determine any portions of the requested records to be exempt from disclosure, you provide: (1) all records or portions thereof that are not so exempt, (2) a detailed list and description of all records or portions thereof for which an exemption is claimed, and (3) an identification of the FOIA exemption within which the material is asserted to fall.

I am willing to pay fees for this request up to a maximum of \$10,000.00. If you estimate that the fees will exceed this limit, please inform me first.

Thank you for your consideration of this request.

Sincerely,

BUTLER SNOW O'MARA, STEVENS & CANNADA, PLLC

Jeffrey A. Walker

Taskers

FEMA FOIA OFFICE
Freedom of Information Act (FOIA) Suspense Tracker

FOIA Case No: 10-200

Date: Feb 17, 2010

To: Mitigation & LATRO

Suspense Date (Information required in Disclosure Office): Feb 26, 2010

If you have any questions, please contact: 202-212-2155

Attachment(s): SEE REQUEST

INSTRUCTIONS FROM DISCLOSURE OFFICE:

- ☒ Search your records for responsive documents. (If your search locates voluminous records, please contact us with estimated number of pages and time to process records within 5 working days. The FOIA Office will contact the requester to see if we can narrow the scope of the request).
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COMMENTS FROM FEMA COMPONENT: (Check all that apply)

- ☐ Total release. Attach the document(s) that you are going to release to the requester.

(b)(5)

- ☐ Recommend withholding the entire document(s) under the following FOIA exemptions(s). Attach the document(s) to be withheld in its/their entirety.
- ☐ NO RECORDS - Our search failed to locate the responsive document(s). In order to fulfill a No Records please annotate below what and how you searched for responsive documents(i.e. database, hard files, etc.)
- ☐ We believe other FEMA officer(s), DHS officer(s), or other agencies should be involved in processing this request; recommend you contact

The following statement must be signed by the appropriate Subject Matter Expert who processed FOIA. I certify that all appropriate files have been searched and all responsive documents have been reviewed, copied and provided to the FEMA FOIA Office.

(b)(6)

Poc Mitigation

(Name/Title)

Phone #

(b)(6)

(Date)

3/24/10

FEMA FOIA OFFICE

FOIA Case No: 10-200

Date: Feb 17, 2010--

To: Mitigation & LATRO

Suspense Date (Information required in Disclosure Office): Feb 26, 2010

If you have any questions, please contact: 202-212-2155

Attachment(s): SEE REQUEST

INSTRUCTIONS FROM DISCLOSURE OFFICE:

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The following statement must be signed by the appropriate Subject Matter Expert who processed FOIA.

I certify that all appropriate files have been searched and all responsive documents have been reviewed.

(b)(6)

copied and provided to the FEMA FOIA Office.

(b)(6)

(Name/Title)

Phone #

2/22/12
(Date)



FRI/FOIA Processing and Quality Control -Review Form

FOIA #	Pages:	Case Type: S/C/V	Disaster or Non- Disaster:	Date Assigned:	Processing Analyst:	QC Analyst:
#10-200	655			5/19/20	(b)(6)	
Exemptions Used:	Level of Effort Hour - Minutes					
Re-Work			Level of Effort Hour - Minutes			
Forwarded to:						
Date Assigned						
Date Returned						
Other:						

Location-Page number	Comments:	Correction Made:
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ACTION REPORT

CASE NUMBER

10-200

DATE RECEIVED

01/08/2010

CONSULTATION/APPEAL

☐

YES

☒

NO

DATE	ACTION	INITIALS
Jan 11, 2010	Logged request in RMD and Case Tracker.	(b)(6)
Jan 12, 2010	Ack ltr signed by (b)(6) and mailed.	(b)(6)
Aug. 15, 2008	1st interview mailed. (michelson)	

DATE CLOSED

Action Officer's Signature

Correspondence

Sillah, Alecia

From: (b)(6)
Sent: Wednesday, September 14, 2011 12:25 PM
To: Sillah, Alecia
Subject: FEMA 10-200, 10-237
Attachments: FOIA Letter from JAW to EEOC (SF Rigsby).PDF

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: (b)(6)

45m day (9/21)
Sun Oct 23, 2011

Hi Alecia,

The attached letter received today is in response to one of my SI calls that I spoke with you about recently. Mr. Jeffrey Walker is amending two of his requests so I will document and adjust his files accordingly. Thank you.

From: FEMA-FOIA
Sent: Wednesday, September 14, 2011 7:31 AM
To: (b)(6)
Subject: FW: FOIA Letter from JAW to EEOC (SF Rigsby).PDF

Hello (b)(6)

I am forwarding this email to you from the FEMA-FOIA inbox.

(b)(6)

From: (b)(6) [mailto:(b)(6)@butlersnow.com]
Sent: Tuesday, September 13, 2011 1:08 PM
To: 'fema-foia@dhs.gov'
Cc: Jeff Walker
Subject: FOIA Letter from JAW to EEOC (SF Rigsby).PDF

Per Jeff Walker's request, please see the attached correspondence related to Request No. 10-237 and 10-200. Original letter to follow by U.S. Mail.

(b)(6)
Legal Secretary
Butler, Snow, O'Mara, Stevens & Cannada, PLLC
Direct: (b)(6)
Fax: (601) 985-4500
(b)(6)@butlersnow.com

BUTLER | SNOW

BUTLER SNOW

September 13, 2011

Via Electronic Mail fema-foia@dhs.gov & U.S. Mail
FOIA Officer
Federal Emergency Management Agency
500 C Street, S.W., Room 840
Washington, D.C. 20472

Re: FOIA Request No. 10-237 and FOIA Request No. 10-200

Dear Sir/Madam:

This letter will confirm my telephone conversation with Ms. (b)(6) on September 12, 2011, concerning the above-captioned FOIA Requests. We hereby amend the earlier requests as set forth in this letter.

As to FOIA Request 10-237, which we submitted by letter dated January 8, 2010, Requests No. 1, 2, 3, 4, and 5 are hereby withdrawn. Please let me know immediately if this request cannot be complied with by the Agency within forty-five (45) days of the date of this letter.

As to FOIA Request No. 10-200, which we submitted by letter dated December 1, 2009, Requests No. 9, 10 and 11 are hereby withdrawn. The relevant time period for each of the remaining requests is hereby modified to begin on August 1, 2005, and continue through December 31, 2005. Again, please let me know immediately if this request cannot be complied with within forty-five (45) days of the date of this letter.

Of course, we continue to be willing to work with the Agency to assist it in any way in expediting production of the requested information. Please contact me at any time you feel it is necessary to discuss these requests.

Yours very truly,

BUTLER, SNOW, O'MARA, STEVENS & CANNADA, PLLC

Jeffrey A. Walker

JAW:csf

Jackson 6901453v1

Post Office Box 6010
Bridgetown, MS 39158-6010

JEFFREY A. WALKER

(b)(6)
(b)(6) butlersnow.com

Suite 1100
1020 Highland Colony Parkway
Bridgetown, MS 39157

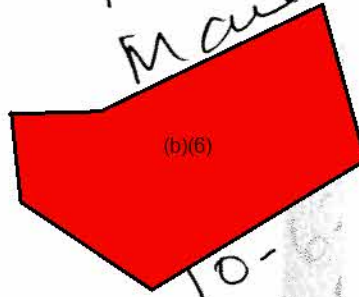
T 601.985.5111 • F 601.985.1500 • www.buttersnow.com
BUTLER, SNOW, O'MARA, STEVENS & CANNADA, PLLC

BUTLER SNOW

September 13, 2011

Via Electronic Mail fema-foia@dhs.gov & U.S. Mail
FOIA Officer
Federal Emergency Management Agency
500 C Street, S.W., Room 840
Washington, D.C. 20472

recvd by
inter-o
mail-



Re: FOIA Request No. 10-237 and FOIA Request No. 10-200

Dear Sir/Madam:

This letter will confirm my telephone conversation with Ms. (b)(6) on September 12, 2011, concerning the above-captioned FOIA Requests. We hereby amend the earlier requests as set forth in this letter.

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Yours very truly,

BUTLER, SNOW, O'MARA, STEVENS & CANNADA, PLLC

Jeffrey A. Walker

JAW:csf

Jackson 6901453v1

Post Office Box 6010
Ridgeland, MS 39158-6010

JEFFREY A. WALKER

(b)(6)
(b)(6)@butlersnow.com

Suite 1400
1020 Highland Colony Parkway
Ridgeland, MS 39157

T 601.948.5711 • F 601.985.4500 • www.butlersnow.com
BUTLER, SNOW, O'MARA, STEVENS & CANNADA, PLLC

BUTLER | SNOW

December 31, 2009

CERTIFIED MAIL - 7007 2560 0002 2345 9701

FOIA Officer
Federal Emergency Management Agency
500 C Street, S.W., Room 840
Washington, D.C. 20472

Re: FOIA Request

Dear Sir/Madam:

This is a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 551 et seq., and applicable U.S. Department of Homeland Security regulations, 6 C.F.R. part 5. I request copies of the Federal Emergency Management Agency and National Flood Insurance Program records described in numbered paragraphs 1-12 below.

Definitions:

"NFIP" means the National Flood Insurance Program.

"FEMA" means the Federal Emergency Management Agency and all related entities, including contractors, in FEMA's various roles and capacities administering the NFIP.

"DHS" means the U.S. Department of Homeland Security.

The "White House" means the Executive Office of the President ("EOP") and all offices within the EOP (including, but not limited to, the parts of the EOP that are known as the "White House Office" and the Office of the Vice President and any of its component offices).

"WYO Carriers" means property and casualty insurance companies participating in the NFIP's Write Your Own Program.

"Records" has the definition provided in 5 U.S.C. § 552(f)(2) and includes any printed, typewritten, or handwritten matter or reproduction thereof, or any means of electronic storage of information, that is within the possession, custody, or control of FEMA or the NFIP, or the officials, agents or employees thereof.

"Relating to" means constitutes, comprises, contains, consists of, sets forth, proposes, shows, discloses, describes, discusses, explains, evidences, memorializes, summarizes, concerns, reflects, implies, or authorizes, directly or indirectly.

Post Office Box 6010
Ridgeland, MS 39158-6010

JEFFREY A. WALKER

(b)(6)
(b)(6)@butlersnow.com

Suite 1400
1020 Highland Colony Parkway
Ridgeland, MS 39157

T 601.948.5711 • F 601.985.4500 • www.butlersnow.com
BUTLER, SNOW, O'MARA, STEVENS & CO.

INTERNAL ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)

	Initials	Date Rcvd	Date Cleared
1. : Admin Specialist			
2. Dr. Anthony M. Bennett: Disclosure Branch Chief			
3. (b)(6) : FOIA Specialist	(b)(6)	2/13/12	3/15/12
4. A. Sillah : Team Lead		3/16/12	
5. : OCC			
6. : EA (for media, high visibility, Congressional & other external affairs issues)			
7. : Team Lead			
8. Dr. Anthony M. Bennett: Disclosure Branch Chief			

Action	File	Note and Return
Approval	For Review	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Info	Comment
Concurrence	Investigate	Signature
Coordination	Justify	Other (Note below)

REMARKS: 10-200

FROM: (Name, org. symbol, Agency/Post)

Name

(b)(6)

Location:

(b)(6)

Phone Number:

INTERNAL ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)

	Initials	Date Rcvd	Date Cleared
1. : Admin Specialist			
2. Dr. Anthony M. Bennett: Disclosure Branch Chief			
3. (b)(6) FOIA Specialist			
4. A. St. Hahn : Team Lead P. Robinson			
5. : OCC			
6. : EA (for media, high visibility, Congressional & other external affairs issues)			
7. : Team Lead			
8. Dr. Anthony M. Bennett: Disclosure Branch Chief			

Action	File	Note and Return
Approval	For Review	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Info	Comment
Concurrence	Investigate	Signature
Coordination	Justify	Other (Note below)

REMARKS: Case # 10-200

FROM: (Name, org. symbol, Agency/Post)

Name

Location: Rm.

Phone Number:

SUMMARY SHEET

PURPOSE: To obtain the approval and signature on the final response to Freedom of Information Act (FOIA) Case **10-200**.

DISCUSSION: On December 31, 2009 Mr. Jeffrey A. Walker of Butler, Snow, O'Mara, Stevens & Cannada, P.L.L.C. requested records regarding FEMA, DHS, WYO carriers and NFIP involving flood claims, resulting from Hurricane Katrina.

The requester modified his request on September 13, 2011 to withdraw items 9, 10, and 11, and for the time frame to be from August 1, 2005 through December 31, 2005.

Mitigations and LATRO were tasked and provided the requested documents on February 22, 2010.

The fees were ^{waived} ~~assessed~~ as a courtesy, due to the delay in response.

POINT OF CONTACT:

(b)(6)

COORDINATION:

Dr. Anthony Bennett, Disclosure Branch Chief
Records Management Division

Date

(b)(6) Attorney, Office of Chief Counsel

Date



FRI/FOIA Processing and Quality Control -Review Form

FOIA #	Pages:	Case Type: S/C/V	Diaster or Non- Diaster:	Date Assigned:	Processing Analyst:	QC Analyst:
#10-200	655			5/19/20	(b)(6)	
Exemptions Used:	Level of Effort Hour - Minutes					
Re-Work			Level of Effort Hour - Minutes			
Forwarded to:						
Date Assigned						
Date Returned						
Other:						

Location-Page number

Comments:

Correction Made:

ACTION REPORT

CASE NUMBER 10-200

☐ YES☐ NO

DATE RECEIVED

01/08/2010

[illegible]

Sillah, Alecia

From: (b)(6)
Sent: Wednesday, September 14, 2011 12:25 PM
To: Sillah, Alecia
Subject: FEMA 10-200, 10-237
Attachments: FOIA Letter from JAW to EEOC (SF Rigsby).PDF
Follow Up Flag: Follow up
Flag Status: Flagged
Categories: (b)(6)

45m day (a)
Sun Oct 23

Hi Alecia,

The attached letter received today is in response to one of my SI calls that I spoke with you about recently. Mr. Jeffrey Walker is amending two of his requests so I will document and adjust his files accordingly. Thank you.

From: FEMA-FOIA
Sent: Wednesday, September 14, 2011 7:31 AM
To: (b)(6)
Subject: FW: FOIA Letter from JAW to EEOC (SF Rigsby).PDF

Hello (b)(6)

I am forwarding this email to you from the FEMA-FOIA inbox.

(b)(6)

From: (b)(6) [mailto:(b)(6)@butlersnow.com]
Sent: Tuesday, September 13, 2011 1:08 PM
To: 'fema-foia@dhs.gov'
Cc: Jeff Walker
Subject: FOIA Letter from JAW to EEOC (SF Rigsby).PDF

Per Jeff Walker's request, please see the attached correspondence related to Request No. 10-237 and 10-200. Original letter to follow by U.S. Mail.

(b)(6)
Legal Secretary
Butler, Snow, O'Mara, Stevens & Cannada, PLLC
Direct: (b)(6)
Fax: (601) 985-4500
(b)(6) @butlersnow.com

BUTLER | SNOW

BUTLER SNOW

September 13, 2011

Via Electronic Mail fema-foia@dhs.gov & U.S. Mail
FOIA Officer
Federal Emergency Management Agency
500 C Street, S.W., Room 840
Washington, D.C. 20472

Re: FOIA Request No. 10-237 and FOIA Request No. 10-200

Dear Sir/Madam:

This letter will confirm my telephone conversation with Ms. [REDACTED] on September 12, 2011, concerning the above-captioned FOIA Requests. We hereby amend the earlier requests as set forth in this letter.

As to FOIA Request 10-237, which we submitted by letter dated January 8, 2010, Requests No. 1, 2, 3, 4, and 5 are hereby withdrawn. Please let me know immediately if this request cannot be complied with by the Agency within forty-five (45) days of the date of this letter.

As to FOIA Request No. 10-200, which we submitted by letter dated December 1, 2009, Requests No. 9, 10 and 11 are hereby withdrawn. The relevant time period for each of the remaining requests is hereby modified to begin on August 1, 2005, and continue through December 31, 2005. Again, please let me know immediately if this request cannot be complied with within forty-five (45) days of the date of this letter.

Of course, we continue to be willing to work with the Agency to assist it in any way in expediting production of the requested information. Please contact me at any time you feel it is necessary to discuss these requests.

Yours very truly,

BUTLER, SNOW, O'MARA, STEVENS & CANNADA, PLLC

Jeffrey A. Walker

JAW:csf

Jackson 6901453v1

Post Office Box 6010
Ridgeland, MS 39158-6010

JEFFREY A. WALKER

[REDACTED] (b)(6)
[REDACTED] (b)(6) jwalker@butlersnow.com

Suite 1400
1020 Highland Colony Parkway
Ridgeland, MS 39157

T 601.948.5711 • F 601.985.4500 • www.butlersnow.com
BUTLER, SNOW, O'MARA, STEVENS & CANNADA, PLLC

BUTLER SNOW

December 31, 2009

CERTIFIED MAIL - 7007 2560 0002 2345 9701

FOIA Officer
Federal Emergency Management Agency
500 C Street, S.W., Room 840
Washington, D.C. 20472

Re: FOIA Request

Dear Sir/Madam:

This is a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 551 et seq., and applicable U.S. Department of Homeland Security regulations, 6 C.F.R. part 5. I request copies of the Federal Emergency Management Agency and National Flood Insurance Program records described in numbered paragraphs 1-12 below.

Definitions:

"NFIP" means the National Flood Insurance Program.

"FEMA" means the Federal Emergency Management Agency and all related entities, including contractors, in FEMA's various roles and capacities administering the NFIP.

"DHS" means the U.S. Department of Homeland Security.

The "White House" means the Executive Office of the President ("EOP") and all offices within the EOP (including, but not limited to, the parts of the EOP that are known as the "White House Office" and the Office of the Vice President and any of its component offices).

"WYO Carriers" means property and casualty insurance companies participating in the NFIP's Write Your Own Program.

"Records" has the definition provided in 5 U.S.C. § 552(f)(2) and includes any printed, typewritten, or handwritten matter or reproduction thereof, or any means of electronic storage of information, that is within the possession, custody, or control of FEMA or the NFIP, or the officials, agents or employees thereof.

"Relating to" means constitutes, comprises, contains, consists of, sets forth, proposes, shows, discloses, describes, discusses, explains, evidences, memorializes, summarizes, concerns, reflects, implies, or authorizes, directly or indirectly.

Post Office Box 6010
Ridgeland, MS 39158-6010

JEFFREY A. WALKER

(b)(6)
(b)(6)@butlersnow.com

Suite 1400
1020 Highland Colony Parkway
Ridgeland, MS 39157

T 601.948.5711 • F 601.985.4500 • www.butlersnow.com
BUTLER, SNOW, O'MARA & STEIN

Records Requested:

1. All records and documents reflecting communications between the White House and FEMA or NFIP related to expediting the adjustment of flood claims by WYO carriers under the NFIP filed as a result of Hurricane Katrina.
2. All records and documents reflecting communications between the office of the Secretary of DHS and FEMA or NFIP related to expediting the adjustment of flood claims by WYO carriers under the NFIP filed as a result of Hurricane Katrina.
3. All records and documents reflecting communications between a state government official and FEMA or NFIP related to expediting the adjustment of flood claims by WYO carriers under the NFIP filed as a result of Hurricane Katrina.
4. All records and documents reflecting communications between a member of Congress, or the staff of a member of Congress, and FEMA or NFIP related to expediting the adjustment of flood claims by WYO carriers under the NFIP filed as a result of Hurricane Katrina.
5. All records and documents reflecting communications between FEMA or NFIP and WYO Carriers related to the reasons for expediting the adjustment of flood claims under the NFIP filed as a result of Hurricane Katrina.
6. All records and documents related to expediting the adjustment of flood claims under the NFIP filed as a result of Hurricane Katrina.
7. All records and documents related to procedures, processes, programs, methods or estimatic tools suggested or used by WYO Carriers to adjust flood claims under the NFIP, including XactTotal, Marshall Swift, and other similar total valuation or loss valuation tools.
8. All records and documents related to FEMA's reinspection of flood claims under the NFIP filed in connection with Hurricane Katrina in which expedited adjusting processes were used by WYO Carriers.
- VOID & 9. All records and documents related to FEMA's audits of flood claims under the NFIP filed in connection with Hurricane Katrina in which expedited adjusting processes were used by WYO Carriers.

FOIA Officer
Federal Emergency Management Agency
Page 3
December 31, 2009

- VOD * 10. All records and documents related to DHS's audits of flood claims under the NFIP filed in connection with Hurricane Katrina in which expedited adjusting processes were used by WYO Carriers.
- VOD * 11. All records, audits, reports, memoranda or inspection reports related to the performance of WYO Carriers in the adjustment of flood claims under the NFIP filed as a result of Hurricane Katrina.
12. All training materials prepared by FEMA/NFIP or any entity acting for or with FEMA (for example, contractors or WYO Carriers) related to the adjustment or inspection (or reinspection) of flood claims under the NFIP filed as a result of or in anticipation of Hurricane Katrina.

The relevant time period for this request begins on August 1, 2005 and continues through the present. This request is intended for commercial use.

I request that you treat each request as a separate request, that you provide documents responsive to each request as soon as individual records are available, and that you not await the compilation of the entirety of the materials covered by this FOIA request.

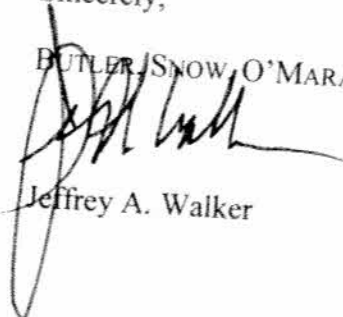
As you know, the FOIA, as amended, provides that if any parts of a file or record are exempt from disclosure, "reasonably segregable" portions must be released. Therefore, I request that, if you determine any portions of the requested records to be exempt from disclosure, you provide: (1) all records or portions thereof that are not so exempt, (2) a detailed list and description of all records or portions thereof for which an exemption is claimed, and (3) an identification of the FOIA exemption within which the material is asserted to fall.

I am willing to pay fees for this request up to a maximum of \$10,000.00. If you estimate that the fees will exceed this limit, please inform me first.

Thank you for your consideration of this request.

Sincerely,

BUTLER, SNOW, O'MARA, STEVENS & CANNADA, PLLC


Jeffrey A. Walker



FEMA

Mr. Jeffrey A. Walker
Butler, Snow, O'Mara, Stevens
& Cannada, P.L.L.C.
P.O. Box 6010
Ridgeland, Mississippi 39158-6010

Re: **FEMA 10-200**

Dear Mr. Walker:

This acknowledges receipt of your December 31, 2009, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). Your request was received in this office on January 8, 2010. You requested copies of the following during the time period of August 1, 2005 to the present:

1. All records and documents reflecting communications between the White House and FEMA or NFIP related to expediting the adjustment of flood claims by WYO carriers under the NFIP filed as a result of Hurricane Katrina.
2. All records and documents reflecting communications between the office of the Secretary of DHS and FEMA or NFIP related to expediting the adjustment of flood claims by WYO carriers under the NFIP filed as a result of Hurricane Katrina.
3. All records and documents reflecting communications between a state government official and FEMA or NFIP related to expediting the adjustment of flood claims by WYO carriers under the NFIP filed as a result of Hurricane Katrina.
4. All records and documents reflecting communications between a member of Congress, or the staff of a member of Congress, and FEMA or NFIP related to expediting the adjustment of flood claims by WYO carriers under the NFIP filed as a result of Hurricane Katrina.
5. All records and documents reflecting communications between FEMA or NFIP and WYO Carriers related to the reasons for expediting the adjustment of flood claims under the NFIP filed as a result of Hurricane Katrina.
6. All records and documents related to expediting the adjustment of flood claims under the NFIP filed as a result of Hurricane Katrina.

7. All records and documents related to procedures, processes, programs, methods or estimatic tools suggested or used by WYO Carriers to adjust flood claims under the NFIP, including XactTotal, Marshall Swift, and other similar total valuation or loss valuation tools.
8. All records and documents related to FEMA's reinspection of flood claims under the NFIP filed in connection with Hurricane Katrina in which expedited adjusting processes were used by WYO Carriers.
9. All records and documents related to FEMA's audits of flood claims under the NFIP filed in connection with Hurricane Katrina in which expedited adjusting processes were used by WYO Carriers.
10. All records and documents related to DHS's audits of flood claims under the NFIP filed in connection with Hurricane Katrina in which expedited adjusting processes were used by WYO Carriers.
11. All records, audits, reports, memoranda or inspection reports related to the performance of WYO Carriers in the adjustment of flood claims under the NFIP filed as a result of Hurricane Katrina.
12. All training materials prepared by FEMA/NFIP or any entity acting for or with FEMA (for example, contractors or WYO Carriers) related to the adjustment or inspection (or reinspection) of flood claims under the NFIP filed as a result of or in anticipation of Hurricane Katrina.

We have considered your request under the Freedom of Information Act, 5 U.S.C. § 552. We conducted a search of FEMA's Mitigation and Louisiana Transitional Recovery Office (LATRO) for responsive documents. This search produced a total of 2,399 pages. Of those pages 1,361 are releasable in their entirety, and 1,038 are partially releasable, pursuant to Title 5 U.S.C. § 552 (b)(4) and (b)(6).

We have enclosed a copy of the documents to be released in response to your request. Any redactions are accompanied by the corresponding FOIA exemptions:

FOIA Exemption 4 protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. The courts have held that this subsection protects (a) confidential commercial information, the disclosure of which is likely to cause substantial harm to the competitive position of the person who submitted the information and (b) information that was voluntarily submitted to the government if it is the kind of information that the provider would not customarily make available to the public.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. As a courtesy, FEMA will not charge the fees incurred in the processing of this request.

If you need to contact our office again about this matter, please refer to **FEMA 10-200**. This office can be reached at (202) 646-3323 or by e-mail at FEMA-FOIA@dhs.gov.

Sincerely,

Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure(s): Responsive Document, CD-ROM containing 2,399 pages

Sillah, Alecia

From: Sillah, Alecia
Sent: Wednesday, September 12, 2012 3:06 PM
To: (b)(6)
Cc: (b)(6); Booker-Kasper, Monique; (b)(6)
Subject: QA of 10-200
Attachments: 10-200 TLQA Comments (12 Sept 2012)

Hi (b)(6)

I started reviewing 10-200. Unfortunately, I cannot complete QA.

(b)(5)

(b)(5)

(b)(5)


Thanks.


Alecia S. Sillah
FOIA Team Lead
Disclosure Branch (FOIA Office)
Records Management Division
Federal Emergency Management Agency (FEMA)
U.S. Department of Homeland Security
(b)(6)@dhs.gov
(b)(6)

Handwritten signature
10/2/12

TO: Dennis L. Kuhns
Branch Chief
Risk Insurance


THROUGH: James Sadler, CPCU, AIC
Director of Claims
Risk Insurance
Mitigation Division

FROM: (b)(6)
Insurance Examiner ¹

(b)(6) AIC
Insurance Examiner ²

DATE: September 20, 2007
SUBJECT: State Farm Fire & Casualty Company
Claims Operation Review

During the week of May 14, 2007, we met with representatives of State Farm Insurance at their Winter Haven, Florida location to conduct a claims operation review. Prior to our visit, we provided a list of 100 randomly selected claim files to be pulled for review. The last review was conducted in February 2004, and it resulted in a satisfactory rating. The 2007 review was also Satisfactory. However, this report also identifies areas of concern.

Upon arrival to the Winter Haven office, we met with (b)(6) Claims ³ Operational Manager from the State Farm Bloomfield, Illinois office and Mr. (b)(6) (b)(6) he managed their Claim Catastrophe Office in Luling, Louisiana during Hurricane Katrina where approximately 56,000 claims were handled. Mr. (b)(6) and Mr. (b)(6) were present each day of our review to respond to questions and provide assistance as issues were identified.

We brought an Open Aging Claims Report list of losses over 90 days old which identified 155 files in this category. Mr. (b)(6) reviewed the claims on State Farm's

Summary of Comments on MEMORANDUM FOR:

Page: 1

Number: 1 Author: asillah Subject: Sticky Note Date: 9/12/2012 2:51:15 PM

(b)(5)

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Number: 2 Author: asillah Subject: Sticky Note Date: 9/12/2012 2:51:30 PM

(b)(5)

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Number: 3 Author: asillah Subject: Sticky Note Date: 9/12/2012 2:44:22 PM

(b)(5)

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WRAP-UP MEETING



In our wrap-up meeting with (b)(6) we discussed the issues noted above.

(b)(6)

(b)(5)

cc: Kevin Montgomery, FEMA
Tere Martin, FEMA



Number: 1 Author: asillah Subject: Sticky Note Date: 9/12/2012 2:51:41 PM

(b)(6)

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Number: 2 Author: asillah Subject: Sticky Note Date: 9/12/2012 2:51:54 PM

(b)(6)

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Number: 1

Author: asillah

Subject: Sticky Note

Date: 9/12/2012 2:52:25 PM

(b)(5)






FEMA

Memorandum for: Dennis Kuhns
Director
Risk Insurance Division, Mitigation Directorate


Through: James A. Sadler, CPCU, AIC
Director of Claims

From: (b)(6) AIC
Insurance Examiner 
(b)(6) AIC
Insurance Program Specialist

Date: February 27, 2008

Subject: Claims Operation Review
Fidelity National Property and Casualty Company (FNPAC)
Fidelity National Insurance Company (FNIC)

During the week of January 21, 2008, we met with representatives of Fidelity National Property and Casualty Company (FNPAC) and Fidelity National Insurance Company (FNIC) at their office in St. Petersburg, Florida to conduct a claims operation review. Prior to our visit, we provided a list of 50 claim files from FNPAC and 50 claim files from FNIC with dates of loss from December 1, 2004 to October 31, 2007, to be pulled for review.

Upon our arrival at Fidelity, we met with our primary contact, Jeff Moore,  Vice President Flood Claims. Mr. Moore remained available each day of our review to respond to questions and to provide assistance on identified concerns.

The selected list of 100 claim files that were requested from the National Flood Insurance Program (NFIP) Bureau and Statistical Agent included 74 Hurricane Katrina claims, 4 Hurricane Rita claims, 9 Hurricane Wilma claims, and 13 other claims.

Of the 100 claim files reviewed, we found concerns with 19 files; however, the review identified 11 critical errors and the remaining were non-critical errors. An error percentage of 20% or more is unsatisfactory. For this review, Fidelity's error percentage is 11%. Therefore, the review is satisfactory. This report identifies those files with critical and non-critical errors and other concerns. A team will once again visit the Fidelity National companies in about 36 months.

Number: 1 Author: asillah Subject: Sticky Note Date: 9/12/2012 2:47:45 PM

(b)(5)

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Number: 2 Author: asillah Subject: Sticky Note Date: 9/12/2012 2:52:48 PM

(b)(5)

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NON-CRITICAL ERRORS:

(b)(6) (b)(6) 08/29/2005

The risk is a post-FIRM elevated building. The adjuster reports that there was flooding only to the a/c units and to the detached garage. He photographed the front of the home and close ups of the a/c units, but did not provide any photographs of the detached garage to verify coverage for the structure.

(b)(6) (b)(6) 08/29/05

Risk is pre-FIRM elevated on piers rated as a slab on grade. Adjuster should have sent an Underwriting referral. Photos #3 & 4 are missing.

(b)(6) (b)(6) 08/29/05

Adjuster and examiner failed to refer policy to Underwriting as this is a four-unit dwelling and should be rated as a 2-4 family dwelling rather than "other residential."

(b)(6) (b)(6) 08/29/05

Adjuster's one line estimate "Constructive Total Loss" is unacceptable when risk was accessible. Claim was not identified as an expedited claims process file nor handled in accordance with bulletin W-05054. File is satisfactory due to low limits of coverage.

(b)(6) (b)(6) 08/29/05

Denial letter to insured is incomplete in its brevity as it does not cite any policy language or specific reasons for the denial other than "the loss is not covered."

(b)(6) (b)(6) 08/29/05

Examiner should have referred file to Underwriting as risk is a pre-FIRM elevated structure on a pier and beam foundation rated as a non-elevated risk.

(b)(6) (b)(6) 08/29/05

Adjuster erred in not writing a detailed estimate. File is satisfactory due to the low limits of coverage. Photographs in file support the claim payment.

OTHER AREA(S) OF CONCERN:

(b)(5)

Policyholder

(b)(6)

(b)(6)

Date of Loss

10/24/2005

10/24/2005

10/24/2005

Number: 1 Author: asillah Subject: Sticky Note Date: 9/12/2012 2:49:02 PM

(b)(6)

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(b)(6)

(b)(6)



08/29/2005

The adjuster incorrectly allowed \$250.00 for an a/c stand that is below the lowest elevated floor of a post-FIRM elevated building. That \$250.00 amount should be deducted from the recoverable depreciation before payment is issued to the policyholder.

(b)(6)

(b)(6)



08/29/2005

The adjuster incorrectly allowed \$1,002.15 to remove and replace the washer and dryer on the building estimate (there is no contents coverage). The \$1,002.15 should be deducted from the recoverable depreciation before payment is issued to the policyholder.

WRAP-UP MEETING:



In our wrap-up meeting with Jeff Moore, and Patty Templeton Jones, vice President of Fidelity Insurance Companies, we discussed the notable issues above and advised our preliminary findings concerning the Operational Review are satisfactory. We advised that a detailed report would be completed within 30 days and submitted to management for review.

cc: Kevin Montgomery, FEMA

Number: 1	Author: asillah	Subject: Sticky Note	Date: 9/12/2012 2:49:21 PM
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(b)(5)

Number: 2	Author: asillah	Subject: Sticky Note	Date: 9/12/2012 2:49:40 PM
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(b)(5)

Number: 3	Author: asillah	Subject: Sticky Note	Date: 9/12/2012 2:50:35 PM
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(b)(6)



The entire building payment \$17,240.13 should be considered an overpayment, however if flooding and damage can be verified, the adjuster incorrectly allowed for overhead and profit on appliances. The overpayment amount would then be \$108.00. This file is also included in the *Proof of Loss Waiver* section and the *Mortgagee* section.

(b)(6) (b)(6) 08/29/2005
Comments: The adjuster incorrectly allowed for live trees, live plants, postage stamps, coins, and collector's stamps. The overpayment amount is \$2,596.26.

(b)(6) (b)(6) 08/29/2005
Comments: The building gross loss was \$105,323.92. The contents limit was \$55,100.00. The adjuster fee should be \$3,689.75. The adjuster fee was paid in the amount of \$4,107.96, resulting in a \$418.21 overpayment.

(b)(6) (b)(6) 09/16/2004
Comments: The adjuster incorrectly allowed for overhead and profit on appliances and for contents manipulation on the building claim. There is no contents coverage; therefore, there is no coverage available under the building claim for manipulation of these uninsured items. The overpayment amount is \$694.98.


(b)(6) (b)(6) 08/29/2005
Comments: The adjuster incorrectly allowed for overhead and profit on carpeting and appliances. The overpayment amount is \$650.58.

(b)(6) (b)(6) 08/29/2005
Comments: The building gross loss was \$16,504.96. The contents gross loss was \$1,459.51. The adjuster fee should be \$850.00. The adjuster fee was paid in the amount of \$1,000.00 resulting in a \$150.00 overpayment. There was a supplemental building claim made, however it was the result of the examiner moving the building materials from the contents estimate to the building estimate. There was no additional work done by the adjuster for their error. This file is also included in the *Mortgagee* section.

(b)(6) (b)(6) 09/02/2006
Comments: The building gross loss was \$3,309.36. The contents gross loss was \$230.00. The adjuster fee should be \$500.00. The adjuster fee was paid in the amount of \$575.00 resulting in a \$75.00 overpayment. Additionally, a supplemental payment was issued on 01/17/2007 that was outside the 60-day time limit authority of the SLIP. No request was sent to the Administrator requesting authority to issue the subsequent payment resulting in an overpayment in the amount of \$725.00. This file is also included in the *No Signed Proof of Loss* section, the *Proof of Loss Waiver* section, and the *Mortgagee* section.

(b)(6) (b)(6) 09/07/2004
Comments: The adjuster allowed for temporary repairs. There is no coverage for temporary repairs. The overpayment including the resultant tax and overhead and profit is in the amount of \$160.00. This file is also included in the *Mortgagee* section.

Number: 1 Author: (b)(6) Subject: Redact Date: 7/23/2012 3:19:41 PM

 Author: (b)(6) Subject: Sticky Note Date: 8/13/2012 10:28:50 AM

(b)(6)

Mr. Jeffrey A. Walker
Butler, Snow, O'Mara, Stevens, & Cannada, PLLC
1020 Highland Colony Parkway
Ridgeland, Mississippi 39157

Re: FEMA 10-200 First Interim Response

Dear Mr. Walker:

This is the first interim response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA), dated December 31, 2009 and received by this office on January 8, 2010. You requested copies of the following for the period of August 1, 2005 to December 31, 2005.

1. All records and documents reflecting communication between the White House and FEMA or NFIP related to expediting the adjustments of flood claims by WYO carriers under the NFIP filed as a result of Hurricane Katrina.
2. All records and documents reflecting communications between the office of the Secretary of DHS and FEMA or NFIP related to expediting the adjustment of flood claims by WYO carriers under the NFIP filed as a result of Hurricane Katrina.
3. All records and documents reflecting communications between a state government official and FEMA or NFIP related to expediting the adjustment of flood claims by WYO carriers under the NFIP filed as a result of Hurricane Katrina.
4. All records and documents reflecting communications between a member of Congress, or the staff of a member of Congress, and FEMA or NFIP related to expediting the adjustment of flood claims by WYO carriers under the NFIP filed as a result of Hurricane Katrina.
5. All records and documents reflecting communications between FEMA or NFIP and WYO Carriers related to the reasons for expecting the adjustment of flood claims under the NFIP filed as a result of Hurricane Katrina.
6. All records and documents related to expediting the adjustment of flood claims under the NFIP filed as a result of Hurricane Katrina.

7. All records and documents related to procedures, processes, programs, methods or estimatic tools suggested or used by WYO Carriers to adjust flood claims under the NFIP, including XactTotal, Marshall Swift, and other similar total valuation or loss valuation tools.
8. All records and documents related to FEMA's re-inspection of flood claims under the NFIP filed in connection with Hurricane Katrina in which expedited adjusting processes were used by WYO Carriers.
9. All training materials prepared by FEMA/NFIP or any entity acting for or with FEMA (for example, contractors or WYO Carriers) related to the adjustment or inspection (or re-inspection) of flood claims under the NFIP filed as a result of or in anticipation of Hurricane Katrina.

We have considered your request under the FOIA, 5 U.S.C. § 552. We conducted a search of FEMA's Federal Insurance and Mitigation Administration (FIMA) and Louisiana Transitional Recovery Office for responsive documents. The search produced a total of 441 pages. For this interim release, we have reviewed 441 pages. Of those pages, it was determined that 352 pages are releasable in their entirety, 89 pages are partially releasable, and zero pages are withheld in their entirety pursuant to Title 5 U.S.C. § 552(b)(4) and (b)(6).

FOIA Exemption 4 protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. The courts have held that this subsection protects (a) confidential commercial information, the disclosure of which is likely to cause substantial harm to the competitive position of the person who submitted the information and (b) information that was voluntarily submitted to the government if it is the kind of information that the provider would not customarily make available to the public.

FOIA Exemption 6 exempts from disclosure of personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Disclosure Branch (FOIA Appeals), FEMA, 1800 South Bell Street, Fourth Floor, Arlington, Virginia 20598-3005. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. As a courtesy, FEMA will not charge the fees incurred in the processing of this request.

We will continue to process the remaining documents responsive to your request. Next month, November 2012, the second release of documents will be mailed to you.

If you need to contact our office again about this matter, please refer to **FEMA 10-200**. This office can be reached at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov.

Sincerely,

Monique R. Booker-Kasper
Acting Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: Responsive Documents on CD (441 pages)

(b)(6)

From: (b)(6)
Sent: Friday, September 21, 2012 9:08 AM
To: (b)(6)
Subject: 10-200

(b)(6)

I saved the revised document and letter on the R drive: R:\RMD\FOIA\Case Files\FY10 FOIA\10-200\10-200 KB\Responsive Documents\Review Folder\Initial

Name chart - R:\RMD\FOIA\Case Files\FY10 FOIA\10-200\10-200 KB\Case Management

(b)(5)

Additional responsive documents:

- (b)(5)

(b)(6)

(b)(6)

Bank

(b)(6)

Mission Support Bureau
Records Management Division
FOIA Project

(b)(6)

[@associates.fema.dhs.gov](mailto:associates.fema.dhs.gov)

REVIEW CHECKLIST

FOIA Request No. 10-200

Initial File Review:

- ☒ Responsive documents - compiled and OCR?
- ☒ Hyperlinks deactivated/removed?
- ☒ Do you have the requester's full address on the letter? (over 30 pages)
- ☒ Is the Routing Slip current?
- ☒ *N/A* Do you have a submitter's notice for contracts?
- ☒ Do you have signed taskers/e-mails from the appropriate components?

Final Coordination Folder:

- ☒ Is the one page Summary Sheet stapled to inner left side of folder and contains the purpose, scope of the request, extraordinary issues and an exemption and fee analysis?
- ☒ Are the following sections tabbed (a) Request & Acknowledgment letter (b) Correspondence (c) Search/taskers; (if applicable) (d) Records (e) 1st/2nd Submitter Notices and Submitter Comments?
- ☒ Is the computer folder organized?

Outgoing Response Letters (Do not use old office letters)

- ☒ Requester is addressed as Mr., Ms., or Dr.?
- ☒ States are spelled out and not abbreviated.
- ☒ Requester's full address on the letter if responsive documents are over 30 pages
- ☒ *N/A* Responsive Documents less than 30 pages include "SENT VIA E-MAIL TO: [INSERT THE E-MAIL ADDRESS HERE W/NO BRACES AROUND IT]" bold and underlined three spaces below the FEMA logo.
- ☒ Do not include e-mail address in the requester's address block.
- ☒ Are all of the FEMA FOIA numbers bold i.e. **FEMA 11-000**?
- ☒ Are phone numbers listed properly as "(202) 646-3323"?
- ☒ Spell out single digit numbers, i.e., one through nine. When 2 or more numbers appear in a sentence, and 1 of them is 10 or larger, digits are used for each number; also digits are used when it is 10 or over, wherever it appears in the sentence. Only spell out the number when it starts the sentence, i.e. One hundred fifty-four (154) pages were located... Do not spell out large numbers within a sentence.
- ☒ Are citations listed properly? "Title 5 U.S.C. § 552(b)(6)" Do not split citation.
- ☒ Is the fee paragraph included? Citation included after paragraph. Do not split citation.
- ☒ Have you reviewed redactions on responsive documents to ensure exemptions codes are accurate?
- ☒ Have you reviewed the final response letter for typos? Used Spell Check?
- ☒ Are all exemptions claimed identified on final response letter?
- ☒ Have you initialed and dated the routing sheet?
- ☒ Have you updated the appeals paragraph?

Post-Team Lead (TL)/Quality Assurance (QA) Review

- ☐ Have you initialed and/or replied to each comment identified by TL?
- ☐ Is the TL QA e-mail/corrected letter included in the folder?

Post OCC Review

- ☐ Have you completed all changes from OCC?
- ☐ Did you save the changes as a new document? i.e. *12-000 OCC Comments*
- ☐ Have you redacted release documents and reviewed each redaction to ensure redactions are compliant?

Final Review

- ☐ Redacted/final release documents are saved in final release folder? i.e. *r_12_000 Redacted*
- ☐ Remove all comment bubbles from the redacted/final release documents.

(b)(6)

Processed by: 

Last updated: September 12, 2012

Sillah, Alecia

From: Sillah, Alecia
Sent: Wednesday, September 12, 2012 11:02 AM
To: (b)(6)
Cc: Booker-Kasper, Monique; (b)(6)
Subject: QA of 10-200

Tracking:	Recipient	Read
	(b)(6)	Read: 9/12/2012 11:09 AM
	Booker-Kasper, Monique	
	(b)(6)	Read: 9/12/2012 11:04 AM

Hi (b)(6)

(b)(6) - I started reviewing 10-200. Unfortunately, I cannot complete QA.

I have identified the following:

SUMMARY SHEET

- AS 9/12/12
- a. Purpose: The purpose is for approval of the first interim release; however, the response letter indicates this is the final response. Please clarify which release this is: an interim or the final response.
- b. AS 9/12/12
Suspense Trackers: Several offices are named: Office of Equal Rights, Mississippi Recovery Office, Office of External Affairs, Office of the Chief Component Human Capital Officer, and the Office of the Chief Security Officer. There are no suspense trackers – signed or unsigned - from these offices in the folder. Please confirm.

Provided with the blue folder is only one tracker addressed to Mitigation (FIMA) and the LATRO. Mitigation signed it. After retrieving the brown folder and reviewing it, there is a signed tracker from the LATRO.

- AS 9/12/12
- c. The Summary Sheet will need to be revised.

I know you are working 11-716 which is a high priority. Please continue processing 11-716.

(b)(6)

Thanks,

Alecia S. Sillah
FOIA Team Lead
Disclosure Branch (FOIA Office)
Records Management Division
Federal Emergency Management Agency (FEMA)
U.S. Department of Homeland Security

(b)(6)@dhs.gov

(b)(6)

9/12/12
AS
revel

INTERNAL ROUTING AND TRANSMITTAL SLIP

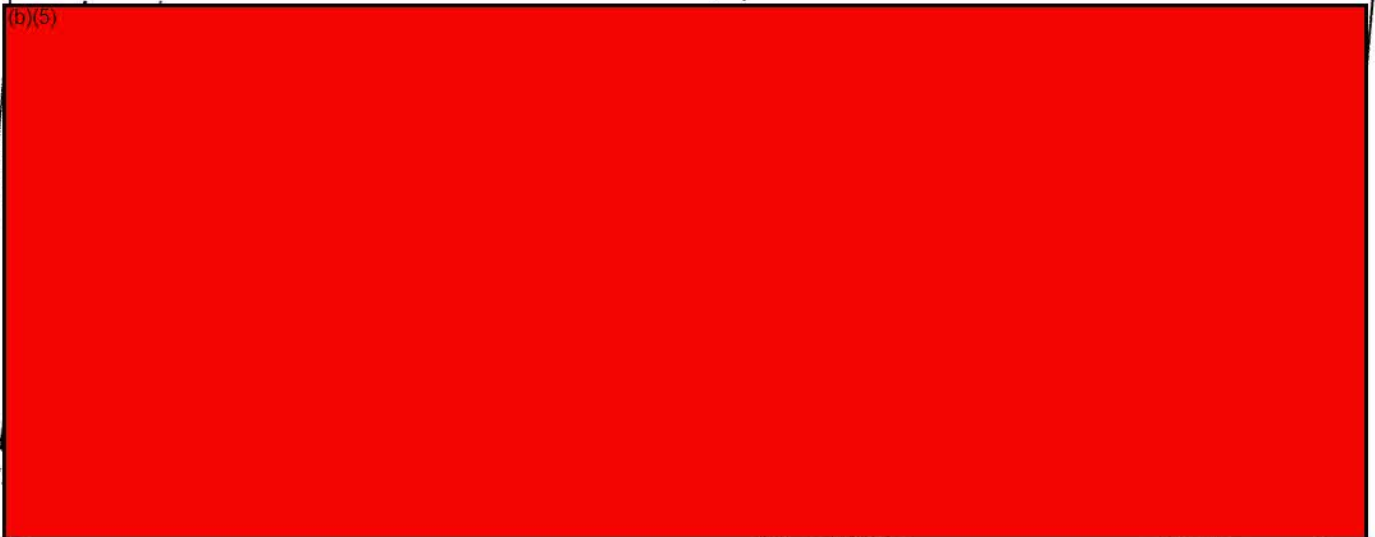
TO: (Name, office symbol, room number, building, Agency/Post)

1.		Initials	Date Rcvd	Date Cleared
2.	Dr. Anthony M. Bennett: Disclosure Branch Chief			
3.	(b)(6) : FOIA Specialist	(b)(6)	2/13/12	
4.	: Team Lead			
5.	PAULANICH : OCC			
6.	& other external affairs issues) : EA (for media, high visibility, Congressional	R	3/23/12	3/30/12
7.	: Team Lead			
8.	Dr. Anthony M. Bennett: Disclosure Branch Chief			

Action	File	Note and Return
Approval	For Review	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Info	Comment
Concurrence	Investigate	Signature
Coordination	Justify	Other (Note below)

REMARKS:

3/8 & 3/14/12 10-217 by email 10-217
 3/23/12 delivered to P. Rich.



Name

Location:

Phone Number:

(b)(6)

From: Sillah, Alecia
Sent: Thursday, April 19, 2012 9:23 AM
To: (b)(6)
Cc: Bennett, Anthony M
Subject: RE: 10-217 Please confirm next steps

Good Morning (b)(6)

Dr. Bennett is involved at this point. Once I receive word from him, I will let you know.

Alecia S. Sillah
FOIA Team Lead
Disclosure Branch (FOIA Office)
Records Management Division
Federal Emergency Management Agency (FEMA)
U.S. Department of Homeland Security
(b)(6)@dhs.gov
(b)(6)

From: (b)(6)
Sent: Thursday, April 19, 2012 9:22 AM
To: Sillah, Alecia
Subject: RE: 10-217 Please confirm next steps

Good Morning,

Have you heard anything back on this?

v/r,

(b)(6)

FOIA Specialist
Aspen of DC-Contractor
Federal Emergency Management Agency
1800 S. Bell Street, Suite 401
Arlington, VA 22202
Ph: (b)(6)
Fax: (202) 646-3347
(b)(6)@associates.fema.dhs.gov

From: Sillah, Alecia
Sent: Thursday, April 05, 2012 3:07 PM
To: Rich, Paula
Cc: (b)(6); Bennett, Anthony M
Subject: RE: 10-217 Please confirm next steps

Hi Paula,

I just tried calling you on your BlackBerry regarding 10-217. (b)(6) is processing the file and he raised excellent points, which he and I have discussed, and wanted to present to you:

(b)(5)

Will you be available Monday morning?

Please advise.

Thanks,
Alecia

Alecia S. Sillah
FOIA Team Lead
Disclosure Branch (FOIA Office)
Records Management Division
Federal Emergency Management Agency (FEMA)
U.S. Department of Homeland Security
(b)(6)@dhs.gov
(b)(6)

From: Rich, Paula
Sent: Thursday, April 05, 2012 12:05 PM

To: Sillah, Alecia
Subject: RE: 10-217 Please confirm next steps

Thanks for confirming, Alecia.

(b)(5)

(b)(5)

Thanks very much!
Paula

Paula Rich
Attorney-Advisor
Office of Chief Counsel
Federal Emergency Management Agency (FEMA)
1800 South Bell Street, Room 420
Crystal City, VA 20598-3005
Office: (b)(6)
Mobile: (b)(6)

This communication was prepared by the DHS/FEMA Office of Chief Counsel and is covered by Federal and state law governing electronic communications. It may contain confidential pre-decisional and/or sensitive attorney-client privileged, attorney work product, and/or U.S. Government information, and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient. Please consult the Office of Chief Counsel before disclosing any information contained herein. If the reader of this message is not the intended recipient, any dissemination, distribution, use or copying of this message is prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

From: Sillah, Alecia
Sent: Thursday, April 05, 2012 12:01 PM
To: Rich, Paula
Subject: 10-217 Please confirm next steps

Hi Paula,

Per our conversation today, could you provide the next steps for processing 10-217? You made a note on the routing slip of the file; however, after speaking to you today, you advised that you spoke to (b)(6) in FIMA, who provided additional details which will change your guidance.

Specifically, your note read:

(b)(5)

Please advise at your earliest convenience.

Thanks so much,
Alecia

Alecia S. Sillah
FOIA Team Lead
Disclosure Branch (FOIA Office)
Records Management Division

(b)(6)

From: Sillah, Alecia
Sent: Thursday, April 05, 2012 3:07 PM
To: Rich, Paula
Cc: (b)(6) Bennett, Anthony M
Subject: RE: 10-217 Please confirm next steps
Attachments: 11-489 Request.pdf; final letter mailed out 19SEPT11.pdf

Hi Paula,

I just tried calling you on your BlackBerry regarding 10-217. (b)(6) is processing the file and he raised excellent points, which he and I have discussed, and wanted to present to you:

(b)(5)

Will you be available Monday morning?

Please advise.

Thanks,
Alecia

Alecia S. Sillah
FOIA Team Lead
Disclosure Branch (FOIA Office)
Records Management Division
Federal Emergency Management Agency (FEMA)
U.S. Department of Homeland Security
(b)(6)@dhs.gov
(b)(6)

From: Rich, Paula
Sent: Thursday, April 05, 2012 12:05 PM
To: Sillah, Alecia
Subject: RE: 10-217 Please confirm next steps

Thanks for confirming, Alecia.

(b)(5)

Thanks very much!
Paula

Paula Rich
Attorney-Advisor
Office of Chief Counsel
Federal Emergency Management Agency (FEMA)
1800 South Bell Street, Room 420
Crystal City, VA 20598-3005
Office: (b)(6)
Mobile: (b)(6)

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From: Sillah, Alecia
Sent: Thursday, April 05, 2012 12:01 PM
To: Rich, Paula
Subject: 10-217 Please confirm next steps

Hi Paula,

Per our conversation today, could you provide the next steps for processing 10-217? You made a note on the routing slip of the file; however, after speaking to you today, you advised that you spoke to (b)(6) in FIMA, who provided additional details which will change your guidance.

Specifically, your note read:

(b)(5)

Please advise at your earliest convenience.

Thanks so much,
Alecia

Alecia S. Sillah
FOIA Team Lead
Disclosure Branch (FOIA Office)
Records Management Division
Federal Emergency Management Agency (FEMA)
U.S. Department of Homeland Security
(b)(6)@dhs.gov
(b)(6)



FEMA

SEP 19 2011

Mr. Franklin Nutter
President
Reinsurance Association of America
1445 New York Avenue, NW
7th Floor
Washington, D.C. 20005

Re: **FEMA 11-489**

Dear Mr. Nutter:

This is the final response to your May 3, 2011, Freedom of Information Act/Privacy Act (FOIA/PA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). You requested copies of documents regarding claims or payment data on flood and storm surge to include various data elements. This office received your request on May 3, 2011.

We conducted a comprehensive search of files within Federal Insurance and Mitigation Administration (FIMA) for records that would be responsive to your request and produced 11,982 pages.

We are granting your request in part under the FOIA, Title 5 U.S.C. § 552, as amended, and DHS' implementing regulations, 6 C.F.R. Chapter I and Part 5. After carefully reviewing the responsive documents, it is determined that these documents are appropriate for full release. The documents are enclosed in its entirety; no deletions or exemptions have been claimed.

Regarding the personally identifiable information (PII) that you have requested, such as the address and policy numbers of the properties, we have determined that the PII will not be released to you. Disclosure of those elements of PII are exempted under 5 U.S.C. § 552(b)(6) and the Privacy Act of 1974, 5 U.S.C. § 552a(b). We examined the National Flood Insurance Program Files Privacy Act System of Records Notice, 73 Fed. Reg. 77747 (December 19, 2008) and have determined that disclosing the PII elements to you via its published routine uses is not proper in this situation.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

Mr. Franklin Nutter
FEMA 11-489

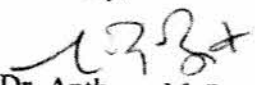
2

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge. 6 C.F.R. § 5.11(d)(4).

If you need to contact us about this request, please refer to **FEMA 11-489**. You may contact this office at (202) 646-3323 or Richard M. Bernstein, Attorney-Advisor at (b)(6)

Sincerely,


Dr. Anthony M. Bennett
Disclosure Branch Chief
Office of Records Management
Management Directorate

Enclosure: Responsive documents on CD (11,982 pages)

FEMA-FOIA

FEMA 11-489

From: Franklin Nutter (b)(6)@reinsurance.org
Sent: Tuesday, May 03, 2011 6:04 PM
To: Fema-foia@dhs.gov
Cc: (b)(6) Bernstein, Richard; Franklin Nutter
Subject: NFIP data request
Attachments: RAA Inforce Flood Property Data Call-4-21-11.xls; RAA Inforce Flood Claims Data Call-4-21-11.xls

MAY 04 2011

On behalf of the Reinsurance Association of America (contact information below), we request the data described in the two attachments related to the National Flood Insurance Program. This request applies to both FOIA purposes as well as "routine use" purposes under FEMA/DHS regulations (section F, H or O or other applicable sections).

The Reinsurance Association is a trade association representing reinsurance underwriters and brokers doing business in the United States. RAA members and affiliate members are providers of reinsurance or are reinsurance intermediaries. To become an underwriting member of the RAA, an entity must:

- Be engaged in the assumption of U.S. property-casualty reinsurance from non-affiliated companies, and retain substantial risk.

To become an affiliate member of the RAA, a reinsurance intermediary must:

- Be engaged, as its principal activity, in the placement of reinsurance risk from non-affiliated companies.
- Be licensed or authorized as a reinsurance broker or reinsurance intermediary.

Affiliate membership is also open to life reinsurers.

More about the RAA can be found on our website is www.reinsurance.org.

The purpose of our request is to respond to FEMA's initiative to explore a role for the private sector in the NFIP. From the data provided, we plan to conduct modeling so that we can advise FEMA/NFIP on proposed reinsurance structures that they might consider if they choose to evaluate purchasing reinsurance. We do not plan to use the data for commercial purposes. We are mindful of the privacy considerations involved with this data and would comply with FEMA's restrictions and/or requirements for any confidentiality agreements. Should it be helpful, we would explore with FEMA the use of a third party contractor outside our membership as a means to insure privacy and confidentiality of the data.

Data description: we recognize that the attached data elements may be more granular than the NFIP can produce or can produce within the privacy guidelines applicable. Therefore we wish to explore with FEMA any modification in the data request that will satisfy FEMA's concerns or data limitations.

Request for a meeting: Prior to the determination, we request a meeting to explore this further.

We look forward to hearing from you.

Franklin W Nutter
President
Reinsurance Association of America
1445 New York Avenue NW
Washington, DC 20004

FEMA
10-217

LAW OFFICES
MILLER, GRIFFIN & MARKS, P.S.C.

271 WEST SHORT STREET
SECURITY TRUST BUILDING, SUITE 600
LEXINGTON, KENTUCKY 40507-1292

TELEPHONE (859) 255-6676
FAX (859) 259-1562

JAN 20 2010

CARROLL M. REDFORD, III
(b)(6)@KENTUCKYLAW.COM

WWW.HORSELAW.COM
WWW.KENTUCKYLAW.COM

January 8, 2010

Via e-mail: (b)(6)@dhs.gov
George Yearwood
Federal Emergency Management Agency
3003 Chamblee Tucker Road
Atlanta, GA 30341

**RE: Freedom of Information Act Request
2504 Island Pond Drive, Lexington, Kentucky 40509**

Dear Mr. Yearwood:

This is a request under the Freedom of Information Act (5 USC § 552(a)(3)(A)) for inspection and copying of any and all of the following records. I agree to pay the reasonable fees incurred for copies related to complying with my request.

1. Any and all records, data, reports, plats, or other documents or items that describe, discuss, and/or address the creation, determination, design, boundaries, placement or formation of the flood plain in the area near, abutting, or around the certain real property known as

(b)(6)

2. Records of any and all communications the Federal Emergency Management Agency ("FEMA") has had with the Lexington-Fayette Urban County Government ("LFUCG" or "Community") or any other person or entity regarding and/or addressing the current or prior flood plain in which the Property is located, or the flood plain which is near, abutting, surrounding and/or close to the Property and any other property located within (b)(6) within the last ten (10) years. This request includes, but is not limited to, the communications between FEMA and the LFUCG in regard to the flood plain for following properties:

George Yearwood
January 8, 2010
Page No. 2

- a. Eastland Church of God, 2598 Liberty Road, Lexington, KY 40509

(b)(6)

3. If not produced in response to the above request, records of any and all communications FEMA has had with the LFUCG regarding any revision, update, change, or adjustment of the flood plain for the area in which the Property is located or the flood plain that is, near, abutting, or around the Property, including but not limited to the flood plain in which Eastland Church of God any other property within (b)(6) is located, within the last ten (10) years. This request includes, but is not limited to, the communications between FEMA and the LFUCG in regard to the following properties:

- a. Eastland Church of God, 2598 Liberty Road, Lexington, KY 40509

(b)(6)

4. Records of, and any and all data, information, and analysis regarding the flood plain for the properties surrounding and/or near or close to the Property, including but not limited to the Eastland Church of God any other property within (b)(6). Included in this request are copies of all reports analyzing or addressing the flood plain for the properties surrounding and/or near or close to the Property, including, but not limited to, the reports analyzing or addressing the flood plain for following properties:

- a. Eastland Church of God, 2598 Liberty Road, Lexington, KY 40509

(b)(6)

5. Records of all communications FEMA has had with property owners in, near, or around the Property in the last ten (10) years, including with those other property owners located within (b)(6) and in particular with those property owners living at the following addresses:

George Yearwood
January 8, 2010
Page No. 3

a. Eastland Church of God, 2598 Liberty Road, Lexington, KY 40509

(b)(6)

6. Records of all releases, letters or other document FEMA provides to a property owner to remove or exempt them from the Special Flood Hazard Area ("SFHA").
7. Any and all records, data, reports, plats, or other documents or items or communications that describe, discuss, and/or address any request for release from or removal from or a modification of the flood plain in the area near, abutting, or around the certain real property known as

(b)(6)

Please contact me or if you have any questions regarding this request. Thank you in advance for your prompt assistance with this matter.

Sincerely,



Carroll M. Redford, III

File Inventory (receipt)
10-217

[illegible]

(b)(6)

From: Trip Redford [(b)(6)]@kentuckylaw.com]
Sent: Monday, October 31, 2011 12:00 PM
To: [(b)(6)]
Subject: Re: FEMA # 10-217 [(b)(6)] [(b)(6)]

(b)(6)

I would like any updated or additional information available on the matters referenced above.

Thanks for your assistance.

Trip Redford
Miller, Griffin & Marks, PSC

(b)(6)

From: [(b)(6)]
Sent: Monday, October 31, 2011 11:37 AM
To: Trip Redford
Subject: Call [(b)(6)] Re: FEMA # 10-217

(b)(6)

From: (b)(6)
Sent: Wednesday, January 20, 2010 10:34 AM
To: (b)(6)
Cc: (b)(6)
Subject: FW: Request for Information under the FOIA
Attachments: FOIAReq.MillerGriffin&Marks (b)(6) scan01192010.pdf

(b)(6)

(b)(6) is taking care of this one.

(b)(6)

Front Rowe, Inc., Contractor
FOIA Admin Team Lead
Federal Emergency Management Agency
(b)(6) FEMA Crystal City
1800 South Bell Street
Arlington, VA 22202
Phone: (b)(6)
Fax: (202) 646-3347
(b)(6) @Associates.DHS.Gov

From: (b)(6)
Sent: Wednesday, January 20, 2010 7:47 AM
To: (b)(6)
Subject: FW: Request for Information under the FOIA

New Request

(b)(6)

Front Rowe, Inc., Contractor
FOIA Admin Team Lead
Federal Emergency Management Agency
(b)(6) FEMA Crystal City
1800 South Bell Street
Arlington, VA 22202
Phone: (b)(6)
Fax: (202) 646-3347
(b)(6) @Associates.DHS.Gov

From: FEMA-FOIA
Sent: Wednesday, January 20, 2010 7:46 AM
To: (b)(6)
Subject: FW: Request for Information under the FOIA

From: Yearwood, George
Sent: Tuesday, January 19, 2010 4:06 PM
To: FEMA-FOIA
Cc: (b)(6)
Subject: Request for Information under the FOIA

Forwarded for further processing and action is a request for information under the FOIA from Miller, Griffin & Marks, P.S.C. concerning Flood Plain issues and properties known as (b)(6) and others.

George Yearwood
Special Assistant to the Regional Administrator
FEMA RJV
Atlanta, GA 30341
(b)(6)@dhs.gov



FEMA

JAN 21 2010

Carroll M. Redford, III
Miller, Griffin & Marks, P.S.C.
271 West Short Street
Security Trust Building, Suite 600
Lexington, Kentucky 40507-1292

Re: **FEMA 10-217**

Dear Ms. Redford, III:

This acknowledges receipt of your January 6, 2010 Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). You requested copies of records pertaining to creation, determination, design, boundaries, placement or formation of the flood plain for several properties in Lexington, Kentucky.

Your request was received in this office on January 20, 2010.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS interim FOIA regulations as they apply to commercial requestors; i.e., you will be charged 10-cents per page for duplication and for search and review time at the per quarter-hour rate for clerical (\$4.00), professional (\$7.00), and/or managerial (\$10.25) personnel. You stated in your request that you are willing to pay reasonable fees. You will be contacted before any fees are accrued.

We will query the appropriate component of FEMA for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. We appreciate your patience as we proceed with your request.

More information concerning the FOIA and implementing DHS regulations is available on-line at: www.dhs.gov/xfoia/editorial_0318.shtm.

Your request has been assigned reference number FEMA 10-217. Please refer to this identifier in any future correspondence. You may contact this office at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov.

Sincerely,

(b)(6)

Senior FOIA Specialist
Records Management Division
Management Directorate

(Date)

FEMA FOIA OFFICE
Freedom of Information Act (FOIA) Suspense Tracker

FOIA Case No: 10-217

Date: Feb 17, 2010

To: Mitigation

Suspense Date (Information required in Disclosure Office): Feb 26, 2010

If you have any questions, please contact: 202-212-2155

Attachment(s): SEE REQUEST

INSTRUCTIONS FROM DISCLOSURE OFFICE:

- ☒ Search your records for responsive documents. (If your search locates voluminous records, please contact us with estimated number of pages and time to process records within 5 working days. The FOIA Office will contact the requester to see if we can narrow the scope of the request).
- ☒ Request you review the document(s) for release to the requestor.
- ☒ Upon completion of your review, return this form, the document(s) (if applicable) along with the unsigned final response letter to the requester to: FEMA FOIA Office.
- ☒ Record the time spent reviewing/coordinating on the request and the number of pages on the enclosed Processing Cost form.

COMMENTS FROM FEMA COMPONENT: (Check all that apply)

- ☒ Total release. Attach the document(s) that you are going to release to the requester.

(b)(5)

- ☐ Recommend withholding the entire document(s) under the following FOIA exemptions(s). Attach the document(s) to be withheld in its/their entirety.
- ☐ NO RECORDS – Our search failed to locate the responsive document(s). In order to fulfill a No Records please annotate below what and how you searched for responsive documents(i.e. database, hard files, etc.)
- ☐ We believe other FEMA office(s), DHS office(s), or other agencies should be involved in processing this request; recommend you contact:

The following statement must be signed by the appropriate Subject Matter Expert who processed FOIA. I certify that all appropriate files have been searched and all responsive documents have been reviewed, copied and provided to the FEMA FOIA Office.

(Name/Title)

Phone #

(Date)

10-217

From: (b)(6)
Sent: Thursday, February 18, 2010 7:39 AM
To: Pugh, Amy
Subject: FW: Request for Information under the FOIA

Amy-
This was tasked to Mitigation, but it was already worked by the Region. I didn't see docs in the case file, but please contact the region POC and have them send you the cost estimate and any docs. Take Mitigation off of the RMD and add the Region as the tasking program.

THks
Pauline

From: FEMA-FOIA
Sent: Thursday, February 18, 2010 7:34 AM
To: (b)(6)
Subject: FW: Request for Information under the FOIA

From: Taylor, Willie
Sent: Wednesday, February 17, 2010 4:15 PM
To: (b)(6) (CTR); FEMA-FOIA
Cc: Hinkley, Kathryn; (b)(6)@riskmapcds.com
Subject: RE: Request for Information under the FOIA

All, it appears this may have been sent to the Region which has already worked this FOIA. Accordingly, please remove from Mitigation.

From: (b)(6) (CTR)
Sent: Wednesday, February 17, 2010 3:50 PM
To: Taylor, Willie
Cc: Hinkley, Kathryn
Subject: FW: Request for Information under the FOIA

Hi Willie, see below. This one actually already was submitted to the library.

(b)(6)

From: (b)(6) [mailto:(b)(6)@riskmapcds.com]
Sent: Wednesday, February 17, 2010 3:48 PM
To: (b)(6)
Subject: RE: Request for Information under the FOIA

No problem, here you go.

(b)(6)

From: (b)(6) (CTR) [mailto:(b)(6)@associates.dhs.gov]
Sent: Wednesday, February 17, 2010 3:44 PM
To: (b)(6)
Subject: RE: Request for Information under the FOIA

Ok, I didn't know this came to you already. Yes, please send it to me so I can send back to Willie Taylor for his records.

From: (b)(6) [mailto:(b)(6)@riskmapcds.com]
Sent: Wednesday, February 17, 2010 3:41 PM
To: (b)(6)
Subject: FW: Request for Information under the FOIA
Importance: High

FOIA 10-217 is the exact same as this request received. I prepared a cost estimate for (b)(6) and sent it to him; he did not provide me with a FOIA number however. I can add the FOIA number and send the cost estimate to you.

(b)(6)

From: (b)(6)
Sent: Wednesday, January 20, 2010 10:26 AM
To: (b)(6)
Subject: FW: Request for Information under the FOIA
Importance: High

From: (b)(6) [mailto:(b)(6)@dhs.gov]
Sent: Wednesday, January 20, 2010 9:12 AM
To: (b)(6)
Subject: FW: Request for Information under the FOIA
Importance: High

Please look into this FOIA and develop a response and send it to us at the earliest.

Thanks!

Sincerely,

(b)(6) MSCE, PE.
 R P M for PTS Flood Studies
 Phone: (b)(6)

"Programs Promoting Excellence"
Risk Analysis Branch, Mitigation Division.
United States DHS FEMA-R4

From: Lowe, Robert
Sent: Tuesday, January 19, 2010 4:39 PM
To: (b)(6)
Cc: [REDACTED] 'Vieira, Mark'
Subject: FW: Request for Information under the FOIA

Hey (b)(6)

Please provide a cost estimate reply to this FOIA direct to (b)(6)

Thanks

Respectfully,
Robert "Rob" Lowe

DHS/FEMA
Region IV/Mitigation
Risk Analysis Branch Chief
(b)(6) (Office)
(b)(6) (Cell)

The R4 Mit RA Branch: "Programs promoting Excellence in Risk Analysis"

From: Loar, Brad
Sent: Tuesday, January 19, 2010 4:27 PM
To: Lowe, Robert
Subject: FW: Request for Information under the FOIA

You may have some 'dog in the fight' here. Pls review.

Thx

From: Yearwood, George
Sent: Tuesday, January 19, 2010 16:22
To: Loar, Brad
Cc: (b)(6)
Subject: FW: Request for Information under the FOIA

Hello Brad:

Forwarded for your information is an advance copy of a FOIA Request that appears to be in your area of responsibility. No formal processing is required of you at this time.

Yearwood

From: Yearwood, George
Sent: Tuesday, January 19, 2010 4:06 PM
To: FEMA-FOIA
Cc: (b)(6)
Subject: Request for Information under the FOIA

Forwarded for further processing and action is a request for information under the FOIA from Miller, Griffin & Marks, P.S.C. concerning Flood Plain issues and properties known as (b)(6) and others.

George Yearwood
Special Assistant to the Regional Administrator
FEMA RJV
Atlanta, GA 30341
(b)(6)@dhs.gov

Sillah, Alecia

From: Rich, Paula
Sent: Thursday, March 08, 2012 12:08 PM
To: Sillah, Alecia
Cc: Bernstein, Richard; Sykes, Levar
Subject: RE: FOIA, FEMA 10-217

Alecia,

(b)(5)

Rich & LeVar,

I'm just cc'ing you on this because Alecia tells me she also has the same request out to you.

Hope that helps!

Paula

Paula Rich
Attorney-Advisor
Office of Chief Counsel
Federal Emergency Management Agency (FEMA)
1800 South Bell Street, (b)(6)
Crystal City, VA 20598-3005
Office: (b)(6)
Mobile: (b)(6)

This communication was prepared by the DHS/FEMA Office of Chief Counsel and is covered by Federal and state law governing electronic communications. It may contain confidential pre-decisional and/or sensitive attorney-client privileged, attorney work product, and/or U.S. Government information, and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient. Please consult the Office of Chief Counsel before disclosing any information contained herein. If the reader of this message is not the intended recipient, any dissemination, distribution, use or copying of this message is prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

From: Sillah, Alecia
Sent: Thursday, March 08, 2012 11:47 AM
To: Rich, Paula
Subject: FW: FOIA, FEMA 10-217

Hi Paula,

I came back, eager, ready to close out the case I brought to you and totally forgot about this.

... Please see the e-mail chain below and the attached request.

Thanks.

Alecia S. Sillah

FOIA Team Lead
Disclosure Branch (FOIA Office)
Records Management Division
Federal Emergency Management Agency (FEMA)
U.S. Department of Homeland Security
(b)(6) @dhs.gov
(b)(6)

From: Sillah, Alecia
Sent: Wednesday, March 07, 2012 2:05 PM
To: Bernstein, Richard
Subject: RE: FOIA, FEMA 10-217

Hi Rich,

I wanted to follow-up on my e-mail from this morning.
I've reattached it for your convenience.
Thanks.

Alecia S. Sillah
FOIA Team Lead
Disclosure Branch (FOIA Office)
Records Management Division
Federal Emergency Management Agency (FEMA)
U.S. Department of Homeland Security
(b)(6) @dhs.gov

From: Bernstein, Richard
Sent: Wednesday, March 07, 2012 8:14 AM
To: Sillah, Alecia
Subject: Re: FOIA, FEMA 10-217

Can you send me the request?

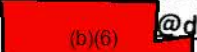
From: Sillah, Alecia
Sent: Wednesday, March 07, 2012 08:11 AM
To: Bernstein, Richard; Sykes, Levar
Cc: Bennett, Anthony M
Subject: FOIA, FEMA 10-217

Hi Rich and LeVar,

(b)(5)

Please advise at your earliest convenience.

Thanks.

Alecia S. Sillah
FOIA Team Lead
Disclosure Branch (FOIA Office)
Records Management Division
Federal Emergency Management Agency (FEMA)
U.S. Department of Homeland Security
@dhs.gov

Sillah, Alecia

From: Sillah, Alecia
Sent: Wednesday, March 07, 2012 8:11 AM
To: Bernstein, Richard; Sykes, Levar
Cc: Bennett, Anthony M
Subject: FOIA, FEMA 10-217

**waiting
on response*

Hi Rich and LeVar,

(b)(5)

Please advise at your earliest convenience.

Thanks.

Alecia S. Sillah
FOIA Team Lead
Disclosure Branch (FOIA Office)
Records Management Division
Federal Emergency Management Agency (FEMA)
U.S. Department of Homeland Security
@dhs.gov

(b)(6)

FEMA FOIA OFFICE
Freedom of Information Act (FOIA) Suspense Tracker

FOIA Case No: 10-217

Date: Jan 6, 2012

To: REGION-IV Attn: (b)(6)

Suspense Date (Information required in Disclosure Office): Jan 16, 2012

If you have any questions, please contact:

Attachment(s): SEE note below and attached request.

INSTRUCTIONS FROM DISCLOSURE OFFICE:

- ☒ Search your records for responsive documents. (If your search locates voluminous records, please contact us with estimated number of pages and time to process records within 5 working days. The FOIA Office will contact the requester to see if we can narrow the scope of the request).
- ☐ Request you review the document(s) for release to the requestor.
- ☐ Upon completion of your review, complete this form and return it and the responsive documents, if any to me at the FEMA:FOIA Office.
- ☐ Record the time spent reviewing/coordinating on the request and the number of pages on the enclosed Processing Cost form.

COMMENTS FROM FEMA COMPONENT: (Check all that apply)

- ☐ Total release. **Attach the document(s) that you are going to release to the requester.**
- ☐ Recommend withholding information under FOIA exemption(s) _____. **Attach document(s) with the information that is to be withheld bracketed and the appropriate FOIA exemption(s) placed in the adjacent margin(s).**
- ☐ Recommend withholding the entire document(s) under the following FOIA exemptions(s). **Attach the document(s) to be withheld in its/their entirety.**
- ☐ NO RECORDS – Our search failed to locate the responsive document(s). In order to fulfill a No Records request, please annotate below what and how you searched for responsive documents (i.e. database, hard files, etc.) _____
- ☐ We believe other FEMA office(s), DHS office(s), or other agencies should be involved in processing this request; recommend you contact: _____

The following statement must be signed by the appropriate Subject Matter Expert who processed FOIA. I certify that all appropriate files have been searched and all responsive documents have been reviewed, copied and provided to the FEMA FOIA Office.

(Name/Title)

Phone #

(Date)

NOTE: It appears that people from the R-I Mitigation Branch provided the original set of responsive documents for this request in early 2010. As you will see from the attached e-mail response by the requestor to our inquiry about his continued interest, he would like "any updated or additional information available" on the subject matter of his original request. I read this asking for any records related to his inquiry about 2504 Island Pond Road, Lexington, KY, that were produced subsequent to the date of his original request (January 8, 2010).

Sillah, Alecia

From: (b)(6)
Sent: Wednesday, January 18, 2012 4:08 PM
To: Bennett, Anthony M; Robinson, Pearlene
Subject: FEMA-FOIA 10-217
Attachments: 10-217_REVISSED SUSPENSE TRACKER_REGION IV_01062012.pdf

From: (b)(6)
Sent: Wednesday, January 18, 2012 16:06
To: (b)(6)
Cc: Cook, Connie
Subject: FEMA-FOIA 10-217

Dear (b)(6)

Would you please let me know at your earliest convenience if the Mitigation folks have determined whether there are any additional responsive documents for Request 10-217 (copy of suspense tracker attached). We spoke about this last week.

Thanks very much for your help with this.

Best regards,

(b)(6)

(b)(6) | Aspen of DC, Inc.
DHS - FEMA/RMD-DB | 1800 South Bell Street | (b)(6) | Arlington, VA 20598-3005
(b)(6) | 202.646.3347 fax | (b)(6) | @associates.fema.dhs.gov

From: (b)(6)
To: (b)(6)
Subject: FOIA 10-217
Date: Friday, January 27, 2012 08:02:30

Good Morning, (b)(6)

I'm following-up my e-mail of last Friday regarding FOIA 10-217. Would you please let me know the status of Mitigation's efforts to find documents to update their earlier search. What we're after are any further docs that were generated between the time they provided the first set – just about 1 year ago – and the date the requester provided his notice of continuing interest (10/31/11).

Just fyi, there is a greatly increased level of interest in all aspects of FOIA request processing that is being directly manifested at least through the level of the AA for Mission Support. One result of this is that my colleagues and I have been asked to provide more detailed case-status reports so that all of the steps in response process – from receipt to final response – can be tracked.

Thanks very much for checking on this for me.

Best regards,

(b)(6)

(b)(6) | Aspen of DC, Inc.
DHS – FEMA/RMD-DB | 1800 South Bell Street | (b)(6) | Arlington, VA 20598-3005
(b)(6) 202.646.3347 fax | (b)(6) @associates.fema.dhs.gov

FEMA
10-217

LAW OFFICES
MILLER, GRIFFIN & MARKS, P.S.C.

271 WEST SHORT STREET
SECURITY TRUST BUILDING, SUITE 600
LEXINGTON, KENTUCKY 40507-1292

TELEPHONE (859) 255-6676
FAX (859) 259-1562

JAN 20 2010

CARROLL M. REDFORD, III
(b)(6)@KENTUCKYLAW.COM

WWW.HORSELAW.COM
WWW.KENTUCKYLAW.COM

January 8, 2010

Via e-mail: george.yearwood@dhs.gov
George Yearwood
Federal Emergency Management Agency
3003 Chamblee Tucker Road
Atlanta, GA 30341

(b)(5)

**RE: Freedom of Information Act Request
2504 Island Pond Drive, Lexington, Kentucky 40509**

Dear Mr. Yearwood:

This is a request under the Freedom of Information Act (5 USC § 552(a)(3)(A)) for inspection and copying of any and all of the following records. I agree to pay the reasonable fees incurred for copies related to complying with my request.

1. Any and all records, data, reports, plats, or other documents or items that describe, discuss, and/or address the creation, determination, design, boundaries, placement or formation of the flood plain in the area near, abutting, or around the certain real property known as

(b)(6)

2. Records of any and all communications the Federal Emergency Management Agency ("FEMA") has had with the Lexington-Fayette Urban County Government ("LFUCG" or "Community") or any other person or entity regarding and/or addressing the current or prior flood plain in which the Property is located, or the flood plain which is near, abutting, surrounding and/or close to the Property and any other property located within (b)(6) within the last ten (10) years. This request includes, but is not limited to, the communications between FEMA and the LFUCG in regard to the flood plain for following properties:

- a. Eastland Church of God, 2598 Liberty Road, Lexington, KY 40509

(b)(6)

3. If not produced in response to the above request, records of any and all communications FEMA has had with the LFUCG regarding any revision, update, change, or adjustment of the flood plain for the area in which the Property is located or the flood plain that is, near, abutting, or around the Property, including but not limited to the flood plain in which Eastland Church of God any other property within (b)(6) is located, within the last ten (10) years. This request includes, but is not limited to, the communications between FEMA and the LFUCG in regard to the following properties:

- a. Eastland Church of God, 2598 Liberty Road, Lexington, KY 40509

(b)(6)

4. Records of, and any and all data, information, and analysis regarding the flood plain for the properties surrounding and/or near or close to the Property, including but not limited to the Eastland Church of God any other property within (b)(6). Included in this request are copies of all reports analyzing or addressing the flood plain for the properties surrounding and/or near or close to the Property, including, but not limited to, the reports analyzing or addressing the flood plain for following properties:

- a. Eastland Church of God, 2598 Liberty Road, Lexington, KY 40509

(b)(6)

5. Records of all communications FEMA has had with property owners in, near, or around the Property in the last ten (10) years, including with those other property owners located within (b)(6) and in particular with those property owners living at the following addresses:

George Yearwood
January 8, 2010
Page No. 3

a. Eastland Church of God, 2598 Liberty Road, Lexington, KY 40509

(b)(6)

(b)(5)

Records of all releases, letters or other document FEMA provides to a property owner to remove or exempt them from the Special Flood Hazard Area ("SFHA").

7.

pp

Any and all records, data, reports, plats, or other documents or items or communications that describe, discuss, and/or address any request for release from or removal from or a modification of the flood plain in the area near, abutting, or adjacent to the certain real property known as

(b)(6)

Please contact me or if you have any questions regarding this request. Thank you in advance for your prompt assistance with this matter.

Sincerely,



Carroll M. Redford, III

Sillah, Alecia

From: Rich, Paula
Sent: Thursday, April 05, 2012 12:05 PM
To: Sillah, Alecia
Subject: RE: 10-217 Please confirm next steps

Thanks for confirming, Alecia.

(b)(5)

Thanks very much!
Paula

Paula Rich
Attorney-Advisor
Office of Chief Counsel
Federal Emergency Management Agency (FEMA)
1800 South Bell Street, 1 (b)(6)
Crystal City, VA 20598-3005
Office: (b)(6)
Mobile: (b)(6)

This communication was prepared by the DHS/FEMA Office of Chief Counsel and is covered by Federal and state law governing electronic communications. It may contain confidential pre-decisional and/or sensitive attorney-client privileged, attorney work product, and/or U.S. Government information, and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient. Please consult the Office of Chief Counsel before disclosing any information contained herein. If the reader of this message is not the intended recipient, any dissemination, distribution, use or copying of this message is prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

From: Sillah, Alecia
Sent: Thursday, April 05, 2012 12:01 PM
To: Rich, Paula
Subject: 10-217 Please confirm next steps


Hi Paula,

Per our conversation today, could you provide the next steps for processing 10-217? You made a note on the routing slip of the file; however, after speaking to you today, you advised that you spoke to Edie Vinson-Wright in FIMA, who provided additional details which will change your guidance.

Specifically, your note read:

(b)(5)

Thanks so much,
Alecia

Alecia S. Sillah
FOIA Team Lead
Disclosure Branch (FOIA Office)
Records Management Division
Federal Emergency Management Agency (FEMA)
U.S. Department of Homeland Security
@dhs.gov

FOIA Case No: 10-217

Date: Jan 6, 2012

To: REGION-IV Attn: (b)(6)

Suspense Date (Information required in Disclosure Office): Jan 16, 2012

If you have any questions, please contact:

Attachment(s): SEE note below and attached request. (b)(6) associates fema.dhs.gov

☒ Search your records for responsive documents. (If your search locates voluminous records, please contact us with estimated number of pages and time to process records within 5 working days. The FOIA Office will contact the requester to see if we can narrow the scope of the request).

- ☐ Request you review the document(s) for release to the requestor.
- ☐ Upon completion of your review, complete this form and return it and the responsive documents, if any to me at the FEMA FOIA Office.
- ☐ Record the time spent reviewing/ coordinating on the request and the number of pages on the enclosed Processing Cost form.
- COMMENTS FROM REQUESTOR**

☒ Total release. Attach the document(s) that you are going to release to the requester.

☐ Recommend withholding information under FOIA exemption(s) _____.
Attach document(s) with the information that is to be withheld bracketed and the appropriate FOIA exemption(s) placed in the adjacent margin(s).

☐ Recommend withholding the entire document.

- ☐ Recommend withholding information under FOIA exemption(s) _____. Attach document(s) with the information that is to be withheld bracketed and the appropriate FOIA exemption(s) placed in the adjacent margin(s).
- ☐ Recommend withholding the entire document(s) under the following FOIA exemptions(s). Attach the document(s) to be withheld in its/their entirety.
- ☐ NO RECORDS - Our search failed to locate the responsive document(s). In order to fulfill a No Records request, please annotate below what and how you searched for responsive documents (i.e. database, hard files, etc.)
- ☐ We believe other FEMA office(s), DHS office(s), or other agencies should be involved in processing this request; recommend you contact: _____
- The following statement must be included:

The following statement must be signed by the appropriate Subject Matter Expert who processed FOIA. I certify that all appropriate files have been searched and all responsive documents have been reviewed, and provided to the FEMA FOIA Office.

Phone # _____

(Date)

NOTE: It appears that people from the R-4 Mitigation Branch provided the original set of responsive documents for this request in early 2010. As you will see from the attached e-mail response by the requestor to our inquiry about his continued interest, he would like "any updated or additional information available" on the subject matter of his original request. I read this asking for any records related to his inquiry about 2504 Island Pond Road, Lexington, KY, that were produced subsequent to the date of his original request (January 8, 2010).

(b)(6)

From:

Sent:

To:

Cc:

Subject:

Attachments:

(b)(6)

Thursday, February 02, 2012 15:41

(b)(6)

FOIA 10-217 RIV Response

10-217 Signed Suspense.pdf; 10-217 July 2009 doc.pdf; 10-217 Nov 2011 doc.pdf

Good afternoon (b)(6)

I am forwarding two documents consisting of two LOMR letters in response to updated information since original 2010 request.
Please consider this a final response to this request.

Regards

(b)(6)

(b)(6)

Mission Support
RIV Records Management/FOIA POC

(b)(6)

21 NOV 2011



FEMA

Kelly Miller
Data Integration Manager
FedSources, Inc.
8400 Westpark Drive, 4th Floor
McLean, VA 22102
(b)(6)@fedsources.com

Re: **FEMA 10-253**

Dear Ms. Miller:

This letter is to confirm your continued interest in your Freedom of Information Act (FOIA) request, dated February 3, 2010 to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). Your request was received in this office on February 3, 2010.

Please be advised that, due to a recent reorganization, which resulted in staff reductions, we have experienced significant delays in processing request. If you are interested in continuing the processing of this request, you must indicate your continued interest in pursuing your request within 14 days from the date of this letter, or we will assume you are no longer interested in this FOIA request, and it will be administratively closed.

We sincerely apologize for the delay and any inconvenience it may have caused. However, we are making earnest and diligent efforts to reduce our backlog of cases and to improve upon our efficiencies and customer service.

If you are interested in pursuing your request, please contact this office at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov. Please reference the request identifier **FEMA 10-253** in your communications with this office.

Sincerely,

Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: 2 copies of your request

(b)(6)

From: FEMA-FOIA
 Sent: Wednesday, February 03, 2010 7:31 AM
 To: (b)(6)
 Subject: FW: FOIA request HSHQDC06D00011

From: Kelly Miller [mailto:(b)(6)@fedsources.com]
 Sent: Tuesday, February 02, 2010 3:02 PM
 To: FEMA-FOIA,
 Subject: FW: FOIA request HSHQDC06D00011

Good afternoon,

In accordance with the Freedom of Information Act (FOIA), I would like to request documents related to the above DHS NEP Support contract HSHQDC06D00011 awarded to Lockheed Martin. Specifically, please provide:

- All task orders including statement of work and all modifications.

It is my desire to have you provide copies with the understanding that I will pay reasonable reproduction, search and review costs. Please contact me first for approval if fees exceed \$300. **I would prefer to receive the documents electronically if they are available in that format.**

Thank you for your assistance. If you have any questions please call me at (b)(6) or e-mail me at (b)(6)@fedsources.com. I can also be reached by FAX at 703-883-0362.

Many thanks,
 Kelly Miller
 Data Integration Manager
 FedSources, Inc.
 8400 Westpark Drive
 4th Floor
 McLean, VA 22102

FedSources, A Washington Management Group Company
 703-610-8759 (T) 703.883.0362 (F)

FedSources IntelliSearch is here!

CONFIDENTIALITY NOTICE

This document contains information that is classified as CONFIDENTIAL. It is to be controlled, stored, handled, transmitted, and disposed of in accordance with the applicable security policies and procedures of the Department of Defense. It is to be protected from unauthorized disclosure and its use is limited to the purpose for which it was provided. It is to be destroyed when it is no longer needed for the purpose for which it was provided. It is to be disposed of in accordance with the applicable security policies and procedures of the Department of Defense. It is to be protected from unauthorized disclosure and its use is limited to the purpose for which it was provided. It is to be destroyed when it is no longer needed for the purpose for which it was provided. It is to be disposed of in accordance with the applicable security policies and procedures of the Department of Defense.

ACTION REPORT

CASE NUMBER

10-253

DATE RECEIVED

02/03/2010

CONSULTATION/APPEAL

☐

YES

☒

NO

<u>DATE</u>	<u>ACTION</u>	<u>INITIALS</u>
Feb 3, 2010	Logged request into RMD & Tracker, assigned to A. Pugh.	(b)(6)
Feb 3, 2010	Created Ack. Letter and gave to Sr. Analyst for review & signature.	(b)(6)

DATE CLOSED

Action Officer's Signature



FEMA

Kelly Miller
Data Integration Manager
FedSources, Inc.
8400 Westpark Drive, 4th Floor
McLean, VA 22102
(b)(6)@fedsources.com

Re: FEMA 10-253

Dear Ms. Miller:

This acknowledges receipt of your February 3, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). You requested documents related to the DHS NEP Support contract HSHQDC06D00011 awarded to Lockheed Martin, including all task orders, statement of work, and all modifications. Your request was received in this office on February 3, 2010.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS interim FOIA regulations as they apply to commercial requestors; i.e., you will be charged 10-cents per page for duplication and for search and review time at the per quarter-hour rate for clerical (\$4.00), professional (\$7.00), and/or managerial (\$10.25) personnel. You stated in your request that you are willing to pay assessable fees up to \$300.00. You will be contacted before any additional fees are accrued.

We have queried the appropriate component of FEMA for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. We appreciate your patience as we proceed with your request.

More information concerning the FOIA and implementing DHS regulations is available on-line at: www.dhs.gov/xfoia/editorial_0318.shm.

Your request has been assigned reference number **FEMA 10-253**. Please refer to this identifier in any future correspondence. You may contact this office at 202-646-3323 or by email at FEMA-FOIA@dhs.gov.

Sincerely,

(b)(6)
 (b)(6)

Senior FOIA Specialist
Disclosure Branch
Office of Records Management
Management Directorate

FEMA FOIA OFFICE
Freedom of Information Act (FOIA) Suspense Tracker

FOIA Case No: FEMA 10-253

Date: 03/02/2010

To: (b)(6)

Suspense Date (Information required in Disclosure Office): 03/16/2010

If you have any questions, please contact: Amy Pugh

Attachment(s): SEE REQUEST

INSTRUCTIONS FROM DISCLOSURE OFFICE:

- ☒ Search your records for responsive documents. (If your search locates voluminous records, please contact us with estimated number of pages and time to process records within 5 working days. The FOIA Office will contact the requester to see if we can narrow the scope of the request).
- ☒ Request you review the document(s) for release to the requestor.
- ☒ Upon completion of your review, return this form, the document(s) (if applicable) along with the unsigned final response letter to the requester to: FEMA FOIA Office.
- ☒ Record the time spent reviewing/ coordinating on the request and the number of pages on the enclosed Processing Cost form.

COMMENTS FROM FEMA COMPONENT: (Check all that apply)

- ☐ Total release. Attach the document(s) that you are going to release to the requester.
- ☐ Recommend withholding information under FOIA exemption(s) _____. Attach document(s) with the information that is to be withheld bracketed and the appropriate FOIA exemption(s) placed in the adjacent margin(s).
- ☐ Recommend withholding the entire document(s) under the following FOIA exemptions(s). Attach the document(s) to be withheld in its/their entirety.
- ☐ NO RECORDS Our search failed to locate the responsive document(s). In order to fulfill a No Records, please annotate below what and how you searched for responsive documents (i.e. database, hard files, etc.)
- ☐ We believe other FEMA office(s), DHS office(s), or other agencies should be involved in processing this request; recommend you contact _____

The following statement must be signed by the appropriate Subject Matter Expert who processed FOIA. I certify that all appropriate files have been searched and all responsive documents have been reviewed, copied and provided to the FEMA FOIA Office.

(Name/Title)

Phone #

(Date)

ROUTING AND TRANSMITTAL SLIP					DATE: April 7, 2010	
TO: (Name, Office Symbol, Room Number, Building, Agency/Post)					Initials	Date
1.	Tammi Hines, Acting Director, Records Management Division					
2.	(b)(6)					
3.						
			File		Note and Return	
	Approval	1	For Review		Per Conversation	
	As Requested		For Correction		Prepare Reply	
	Circulate		For Your Info		Comment	
2	Concurrence		Investigate		Signature	
	Coordination		Justify		Other (Note below)	
REMARKS: Final response to FOIA Case 10-253						
FROM: (Name, Org. Symbol, Agency/Post)					(b)(6)	
(b)(6)						

FEMA FOIA OFFICE

Date: 03/02/2010 -- --

(b)(6)

03/16/2010

Amy Pugh

Attachment(s): SEE REQUEST

INSTRUCTIONS FROM DISCLOSURE OFFICE:

- ☒ Search your records for responsive documents. **(If your search locates voluminous records, please contact us with estimated number of pages and time to process records within 5 working days. The FOIA Office will contact the requester to see if we can narrow the scope of the request).**
- ☒ Request you review the document(s) for release to the requestor.
- ☒ Upon completion of your review, return this form, the document(s) (if applicable) along with the unsigned final response letter to the requester to: FEMA FOIA Office.
- ☒ Record the time spent reviewing/ coordinating on the request and the number of pages on the enclosed Processing Cost form.

COMMENTS FROM FEMA COMPONENT: (Check all that apply)

- ☐ Total release. **Attach the document(s) that you are going to release to the requester.**
- ☐ Recommend withholding information under FOIA exemption(s) _____
Attach document(s) with the information that is to be withheld bracketed and the appropriate FOIA exemption(s) placed in the adjacent margin(s).
- ☐ Recommend withholding the entire document(s) under the following FOIA exemptions(s). **Attach the document(s) to be withheld in its/their entirety.**
- ☐ NO RECORDS Our search failed to locate the responsive document(s). In order to fulfill a No Records request, please annotate below what and how you searched for responsive documents (i.e. database, hard files, etc.)
- ☐ We believe other FEMA office(s), DHS office(s), or other agency(ies) should be involved in processing this request; recommend you contact:

The following statement must be signed by the appropriate Subject Matter Expert who processed FOIA. I certify that all appropriate files have been searched and all responsive documents have been reviewed, copied and provided to the FEMA FOIA Office.

Phone #

(Date)



FEMA

Mr. James Murphy
Wetlands and Water Resources Counsel
National Wildlife Federation
149 State Street
Montpelier, Vermont 05602

Re: **FEMA 10-300 (First Interim)**

Dear Mr. Murphy:

This is the first interim response to your February 5, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). You requested:

- 1) All letters of map changes (LOMC) altering flood insurance rate maps the Federal Emergency Management Agency (FEMA) has issued in the state of Virginia involving letters of map revision based on fill (generally referred to as letters of map revision – fill or LOMR-F) or due to levee construction, issued from 1985 to the current date.
- 2) Information and documents detailing the amount and location of land acreage in the state of Virginia these letters of map change have impacted through either removal from or inclusion in the requirements of the National Flood Insurance Program (NFIP) since 1985.

Your request was received in this office on February 19, 2010.

We have considered your request under the Freedom of Information Act, 5 U.S.C. § 552. We conducted a search of FEMA Mitigation for responsive documents. This search produced a total of 6,725 pages. For this first interim release, we have reviewed 309 pages. Of those pages, 86 are releasable in their entirety, and 223 pages are partially releasable, pursuant to Title 5 U.S.C. § 552 (b)(6).

We have enclosed a copy of the first set of documents to be released in response to your request. Any redactions are accompanied by the corresponding FOIA exemptions:

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. As a courtesy, FEMA will not charge the fees incurred in the processing of this request.

Regarding the remaining pages of responsive documents, we plan to release this information to you on a monthly basis from the date of this letter until all the documents have been released.

Moreover, we have determined a monthly release of information is most feasible due to the volume of records to be reviewed and our multi-tiered FOIA review process, which is as follows. Once we receive records, the first-line processor reviews the documents and determines the releasability. Then, the first-line processor's review determination is referred to the assigned team leader for review. If the team leader has no matters to amend, the review is referred to FEMA's Office of Chief Counsel (OCC) for legal review, to ensure compliance with the FOIA statute and applicable Department of Homeland Security regulations. If OCC has no matters to amend, the final review determination is routed to the Disclosure Branch Chief for signature and final release. If at any time during this review process there is a question with the release determination, the review process starts at the beginning, i.e., the documents are returned to the first-line processor to address the concerns, recommendations, and modifications identified during the team leader and OCC reviews. After the concerns, recommendations, and modifications are addressed by the first-line processor, the corrected release determination is then submitted for concurrence by the team leader for final signature of the Disclosure Branch Chief.

Should you need to contact us about this request, you may contact this office at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov. Please reference the request identifier **FEMA 10-300**.

Sincerely,

Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: Responsive Documents on CD (309 pages)



FEMA

Mr. James Murphy
Wetlands and Water Resources Counsel
National Wildlife Federation
149 State Street
Montpelier, Vermont 05602

Re: FEMA 10-300 (Second Interim)

Dear Mr. Murphy:

This is the second interim response to your February 5, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). You requested:

- 1) All letters of map changes (LOMC) altering flood insurance rate maps the Federal Emergency Management Agency (FEMA) has issued in the state of Virginia involving letters of map revision based on fill (generally referred to as letters of map revision – fill or LOMR-F) or due to levee construction, issued from 1985 to the current date.
- 2) Information and documents detailing the amount and location of land acreage in the state of Virginia these letters of map change have impacted through either removal from or inclusion in the requirements of the National Flood Insurance Program (NFIP) since 1985.

Your request was received in this office on February 19, 2010.

We have considered your request under the Freedom of Information Act, 5 U.S.C. § 552. We conducted a search of FEMA Mitigation for responsive documents. This search produced a total of 6,725 pages. For this second interim release, we have reviewed 495 pages. Of those pages, 274 are releasable in their entirety, and 221 pages are partially releasable, pursuant to Title 5 U.S.C. § 552 (b)(6).

We have enclosed a copy of the first set of documents to be released in response to your request. Any redactions are accompanied by the corresponding FOIA exemptions:

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. As a courtesy, FEMA will not charge the fees incurred in the processing of this request.

Regarding the remaining pages of responsive documents, we plan to release this information to you on a monthly basis from the date of this letter until all the documents have been released.

Moreover, we have determined a monthly release of information is most feasible due to the volume of records to be reviewed and our multi-tiered FOIA review process, which is as follows. Once we receive records, the first-line processor reviews the documents and determines the releasability. Then, the first-line processor's review determination is referred to the assigned team leader for review. If the team leader has no matters to amend, the review is referred to FEMA's Office of Chief Counsel (OCC) for legal review, to ensure compliance with the FOIA statute and applicable Department of Homeland Security regulations. If OCC has no matters to amend, the final review determination is routed to the Disclosure Branch Chief for signature and final release. If at any time during this review process there is a question with the release determination, the review process starts at the beginning, i.e., the documents are returned to the first-line processor to address the concerns, recommendations, and modifications identified during the team leader and OCC reviews. After the concerns, recommendations, and modifications are addressed by the first-line processor, the corrected release determination is then submitted for concurrence by the team leader for final signature of the Disclosure Branch Chief.

Should you need to contact us about this request, you may contact this office at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov. Please reference the request identifier **FEMA 10-300**.

Sincerely,



Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: Responsive Documents on CD (495 pages)



FEMA

Mr. James Murphy
Wetlands and Water Resources Counsel
National Wildlife Federation
149 State Street
Montpelier, Vermont 05602

Re: FEMA 10-300 (Third Interim)

Dear Mr. Murphy:

This is the third interim response to your February 5, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). You requested:

- 1) All letters of map changes (LOMC) altering flood insurance rate maps the Federal Emergency Management Agency (FEMA) has issued in the state of Virginia involving letters of map revision based on fill (generally referred to as letters of map revision – fill or LOMR-F) or due to levee construction, issued from 1985 to the current date.
- 2) Information and documents detailing the amount and location of land acreage in the state of Virginia these letters of map change have impacted through either removal from or inclusion in the requirements of the National Flood Insurance Program (NFIP) since 1985.

Your request was received in this office on February 19, 2010.

We have considered your request under the Freedom of Information Act, 5 U.S.C. § 552. We conducted a search of FEMA Mitigation for responsive documents. This search produced a total of 6,725 pages. For this third interim release, we have reviewed 902 pages. Of those pages, 472 are releasable in their entirety, and 430 pages are partially releasable, pursuant to Title 5 U.S.C. § 552 (b)(6).

We have enclosed a copy of the first set of documents to be released in response to your request. Any redactions are accompanied by the corresponding FOIA exemptions:

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

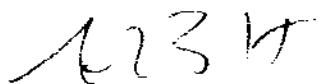
Provisions of the FOIA allow us to recover part of the cost of complying with your request. As a courtesy, FEMA will not charge the fees incurred in the processing of this request.

Regarding the remaining pages of responsive documents, we plan to release this information to you on a monthly basis from the date of this letter until all the documents have been released.

Moreover, we have determined a monthly release of information is most feasible due to the volume of records to be reviewed and our multi-tiered FOIA review process, which is as follows. Once we receive records, the first-line processor reviews the documents and determines the releasability. Then, the first-line processor's review determination is referred to the assigned team leader for review. If the team leader has no matters to amend, the review is referred to FEMA's Office of Chief Counsel (OCC) for legal review, to ensure compliance with the FOIA statute and applicable Department of Homeland Security regulations. If OCC has no matters to amend, the final review determination is routed to the Disclosure Branch Chief for signature and final release. If at any time during this review process there is a question with the release determination, the review process starts at the beginning, i.e., the documents are returned to the first-line processor to address the concerns, recommendations, and modifications identified during the team leader and OCC reviews. After the concerns, recommendations, and modifications are addressed by the first-line processor, the corrected release determination is then submitted for concurrence by the team leader for final signature of the Disclosure Branch Chief.

Should you need to contact us about this request, you may contact this office at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov. Please reference the request identifier **FEMA 10-300**.

Sincerely,



Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: Responsive Documents on CD (902 pages)



FEMA

Mr. James Murphy
Wetlands and Water Resources Counsel
National Wildlife Federation
149 State Street
Montpelier, Vermont 05602

Re: FEMA 10-300 (Fourth Interim)

Dear Mr. Murphy:

This is the fourth interim response to your February 5, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). You requested:

- 1) All letters of map changes (LOMC) altering flood insurance rate maps the Federal Emergency Management Agency (FEMA) has issued in the state of Virginia involving letters of map revision based on fill (generally referred to as letters of map revision – fill or LOMR-F) or due to levee construction, issued from 1985 to the current date.
- 2) Information and documents detailing the amount and location of land acreage in the state of Virginia these letters of map change have impacted through either removal from or inclusion in the requirements of the National Flood Insurance Program (NFIP) since 1985.

Your request was received in this office on February 19, 2010.

We have considered your request under the Freedom of Information Act, 5 U.S.C. § 552. We conducted a search of FEMA Mitigation for responsive documents. This search produced a total of 6,725 pages. For this fourth interim release, we have reviewed 925 pages. Of those pages, 431 are releasable in their entirety, and 494 pages are partially releasable, pursuant to Title 5 U.S.C. § 552 (b)(6).

We have enclosed a copy of the first set of documents to be released in response to your request. Any redactions are accompanied by the corresponding FOIA exemptions:

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

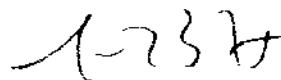
Provisions of the FOIA allow us to recover part of the cost of complying with your request. As a courtesy, FEMA will not charge the fees incurred in the processing of this request.

Regarding the remaining pages of responsive documents, we plan to release this information to you on a monthly basis from the date of this letter until all the documents have been released.

Moreover, we have determined a monthly release of information is most feasible due to the volume of records to be reviewed and our multi-tiered FOIA review process, which is as follows. Once we receive records, the first-line processor reviews the documents and determines the releasability. Then, the first-line processor's review determination is referred to the assigned team leader for review. If the team leader has no matters to amend, the review is referred to FEMA's Office of Chief Counsel (OCC) for legal review, to ensure compliance with the FOIA statute and applicable Department of Homeland Security regulations. If OCC has no matters to amend, the final review determination is routed to the Disclosure Branch Chief for signature and final release. If at any time during this review process there is a question with the release determination, the review process starts at the beginning, i.e., the documents are returned to the first-line processor to address the concerns, recommendations, and modifications identified during the team leader and OCC reviews. After the concerns, recommendations, and modifications are addressed by the first-line processor, the corrected release determination is then submitted for concurrence by the team leader for final signature of the Disclosure Branch Chief.

Should you need to contact us about this request, you may contact this office at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov. Please reference the request identifier **FEMA 10-300**.

Sincerely,



Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: Responsive Documents on CD (925 pages)



FEMA

Mr. James Murphy
Wetlands and Water Resources Counsel
National Wildlife Federation
149 State Street
Montpelier, Vermont 05602

Re: FEMA 10-300 (Fifth Interim)

Dear Mr. Murphy:

This is the fifth interim response to your February 5, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). You requested:

- 1) All letters of map changes (LOMC) altering flood insurance rate maps the Federal Emergency Management Agency (FEMA) has issued in the state of Virginia involving letters of map revision based on fill (generally referred to as letters of map revision – fill or LOMR-F) or due to levee construction, issued from 1985 to the current date.
- 2) Information and documents detailing the amount and location of land acreage in the state of Virginia these letters of map change have impacted through either removal from or inclusion in the requirements of the National Flood Insurance Program (NFIP) since 1985.

Your request was received in this office on February 19, 2010.

We have considered your request under the Freedom of Information Act, 5 U.S.C. § 552. We conducted a search of FEMA Mitigation for responsive documents. This search produced a total of 6,725 pages. For this fifth interim release, we have reviewed 566 pages. Of those pages, 260 are releasable in their entirety, and 306 pages are partially releasable, pursuant to Title 5 U.S.C. § 552 (b)(6).

We have enclosed a copy of the first set of documents to be released in response to your request. Any redactions are accompanied by the corresponding FOIA exemptions:

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

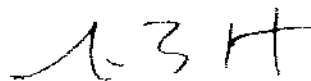
Provisions of the FOIA allow us to recover part of the cost of complying with your request. As a courtesy, FEMA will not charge the fees incurred in the processing of this request.

Regarding the remaining pages of responsive documents, we plan to release this information to you on a monthly basis from the date of this letter until all the documents have been released.

Moreover, we have determined a monthly release of information is most feasible due to the volume of records to be reviewed and our multi-tiered FOIA review process, which is as follows. Once we receive records, the first-line processor reviews the documents and determines the releasability. Then, the first-line processor's review determination is referred to the assigned team leader for review. If the team leader has no matters to amend, the review is referred to FEMA's Office of Chief Counsel (OCC) for legal review, to ensure compliance with the FOIA statute and applicable Department of Homeland Security regulations. If OCC has no matters to amend, the final review determination is routed to the Disclosure Branch Chief for signature and final release. If at any time during this review process there is a question with the release determination, the review process starts at the beginning, i.e., the documents are returned to the first-line processor to address the concerns, recommendations, and modifications identified during the team leader and OCC reviews. After the concerns, recommendations, and modifications are addressed by the first-line processor, the corrected release determination is then submitted for concurrence by the team leader for final signature of the Disclosure Branch Chief.

Should you need to contact us about this request, you may contact this office at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov. Please reference the request identifier **FEMA 10-300**.

Sincerely,



Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: Responsive Documents on CD (566 pages)



FEMA

Mr. James Murphy
Wetlands and Water Resources Counsel
National Wildlife Federation
149 State Street
Montpelier, Vermont 05602

Re: FEMA 10-300 (Sixth Interim)

Dear Mr. Murphy:

This is the sixth interim response to your February 5, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). You requested:

- 1) All letters of map changes (LOMC) altering flood insurance rate maps the Federal Emergency Management Agency (FEMA) has issued in the state of Virginia involving letters of map revision based on fill (generally referred to as letters of map revision – fill or LOMR-F) or due to levee construction, issued from 1985 to the current date.
- 2) Information and documents detailing the amount and location of land acreage in the state of Virginia these letters of map change have impacted through either removal from or inclusion in the requirements of the National Flood Insurance Program (NFIP) since 1985.

Your request was received in this office on February 19, 2010.

We have considered your request under the Freedom of Information Act, 5 U.S.C. § 552. We conducted a search of FEMA Mitigation for responsive documents. This search produced a total of 6,725 pages. For this sixth interim release, we have reviewed 486 pages. Of those pages, 229 are releasable in their entirety, and 257 pages are partially releasable, pursuant to Title 5 U.S.C. § 552 (b)(6).

We have enclosed a copy of the first set of documents to be released in response to your request. Any redactions are accompanied by the corresponding FOIA exemptions:

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

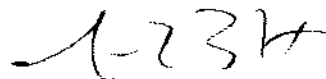
Provisions of the FOIA allow us to recover part of the cost of complying with your request. As a courtesy, FEMA will not charge the fees incurred in the processing of this request.

Regarding the remaining pages of responsive documents, we plan to release this information to you on a monthly basis from the date of this letter until all the documents have been released.

Moreover, we have determined a monthly release of information is most feasible due to the volume of records to be reviewed and our multi-tiered FOIA review process, which is as follows. Once we receive records, the first-line processor reviews the documents and determines the releasability. Then, the first-line processor's review determination is referred to the assigned team leader for review. If the team leader has no matters to amend, the review is referred to FEMA's Office of Chief Counsel (OCC) for legal review, to ensure compliance with the FOIA statute and applicable Department of Homeland Security regulations. If OCC has no matters to amend, the final review determination is routed to the Disclosure Branch Chief for signature and final release. If at any time during this review process there is a question with the release determination, the review process starts at the beginning, i.e., the documents are returned to the first-line processor to address the concerns, recommendations, and modifications identified during the team leader and OCC reviews. After the concerns, recommendations, and modifications are addressed by the first-line processor, the corrected release determination is then submitted for concurrence by the team leader for final signature of the Disclosure Branch Chief.

Should you need to contact us about this request, you may contact this office at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov. Please reference the request identifier **FEMA 10-300**.

Sincerely,



Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: Responsive Documents on CD (486 pages)



FEMA

Mr. James Murphy
Wetlands and Water Resources Counsel
National Wildlife Federation
149 State Street
Montpelier, Vermont 05602

Re: FEMA 10-300 (Seventh Interim)

Dear Mr. Murphy:

This is the seventh interim response to your February 5, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). You requested:

- 1) All letters of map changes (LOMC) altering flood insurance rate maps the Federal Emergency Management Agency (FEMA) has issued in the state of Virginia involving letters of map revision based on fill (generally referred to as letters of map revision – fill or LOMR-F) or due to levee construction, issued from 1985 to the current date.
- 2) Information and documents detailing the amount and location of land acreage in the state of Virginia these letters of map change have impacted through either removal from or inclusion in the requirements of the National Flood Insurance Program (NFIP) since 1985.

Your request was received in this office on February 19, 2010.

We have considered your request under the Freedom of Information Act, 5 U.S.C. § 552. We conducted a search of FEMA Mitigation for responsive documents. This search produced a total of 6,725 pages. For this seventh interim release, we have reviewed 506 pages. Of those pages, 224 are releasable in their entirety, and 282 pages are partially releasable, pursuant to Title 5 U.S.C. § 552 (b)(6).

We have enclosed a copy of the first set of documents to be released in response to your request. Any redactions are accompanied by the corresponding FOIA exemptions:

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

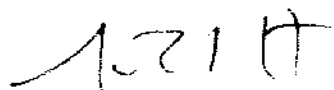
Provisions of the FOIA allow us to recover part of the cost of complying with your request. As a courtesy, FEMA will not charge the fees incurred in the processing of this request.

Regarding the remaining pages of responsive documents, we plan to release this information to you on a monthly basis from the date of this letter until all the documents have been released.

Moreover, we have determined a monthly release of information is most feasible due to the volume of records to be reviewed and our multi-tiered FOIA review process, which is as follows. Once we receive records, the first-line processor reviews the documents and determines the releasability. Then, the first-line processor's review determination is referred to the assigned team leader for review. If the team leader has no matters to amend, the review is referred to FEMA's Office of Chief Counsel (OCC) for legal review, to ensure compliance with the FOIA statute and applicable Department of Homeland Security regulations. If OCC has no matters to amend, the final review determination is routed to the Disclosure Branch Chief for signature and final release. If at any time during this review process there is a question with the release determination, the review process starts at the beginning, i.e., the documents are returned to the first-line processor to address the concerns, recommendations, and modifications identified during the team leader and OCC reviews. After the concerns, recommendations, and modifications are addressed by the first-line processor, the corrected release determination is then submitted for concurrence by the team leader for final signature of the Disclosure Branch Chief.

Should you need to contact us about this request, you may contact this office at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov. Please reference the request identifier **FEMA 10-300**.

Sincerely,



Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: Responsive Documents on CD (506 pages)



FEMA

Mr. James Murphy
Wetlands and Water Resources Counsel
National Wildlife Federation
149 State Street
Montpelier, Vermont 05602

Re: FEMA 10-300 (Eighth Interim)

Dear Mr. Murphy:

This is the eighth interim response to your February 5, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). You requested:

- 1) All letters of map changes (LOMC) altering flood insurance rate maps the Federal Emergency Management Agency (FEMA) has issued in the state of Virginia involving letters of map revision based on fill (generally referred to as letters of map revision – fill or LOMR-F) or due to levee construction, issued from 1985 to the current date.
- 2) Information and documents detailing the amount and location of land acreage in the state of Virginia these letters of map change have impacted through either removal from or inclusion in the requirements of the National Flood Insurance Program (NFIP) since 1985.

Your request was received in this office on February 19, 2010.

We have considered your request under the Freedom of Information Act, 5 U.S.C. § 552. We conducted a search of FEMA Mitigation for responsive documents. This search produced a total of 6,725 pages. For this eighth interim release, we have reviewed 521 pages. Of those pages, 263 are releasable in their entirety, and 258 pages are partially releasable, pursuant to Title 5 U.S.C. § 552 (b)(6).

We have enclosed a copy of the first set of documents to be released in response to your request. Any redactions are accompanied by the corresponding FOIA exemptions:

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.


Provisions of the FOIA allow us to recover part of the cost of complying with your request. As a courtesy, FEMA will not charge the fees incurred in the processing of this request.

Regarding the remaining pages of responsive documents, we plan to release this information to you on a monthly basis from the date of this letter until all the documents have been released.

Moreover, we have determined a monthly release of information is most feasible due to the volume of records to be reviewed and our multi-tiered FOIA review process, which is as follows. Once we receive records, the first-line processor reviews the documents and determines the releasability. Then, the first-line processor's review determination is referred to the assigned team leader for review. If the team leader has no matters to amend, the review is referred to FEMA's Office of Chief Counsel (OCC) for legal review, to ensure compliance with the FOIA statute and applicable Department of Homeland Security regulations. If OCC has no matters to amend, the final review determination is routed to the Disclosure Branch Chief for signature and final release. If at any time during this review process there is a question with the release determination, the review process starts at the beginning, i.e., the documents are returned to the first-line processor to address the concerns, recommendations, and modifications identified during the team leader and OCC reviews. After the concerns, recommendations, and modifications are addressed by the first-line processor, the corrected release determination is then submitted for concurrence by the team leader for final signature of the Disclosure Branch Chief.

Should you need to contact us about this request, you may contact this office at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov. Please reference the request identifier **FEMA 10-300**.

Sincerely,



Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: Responsive Documents on CD (521 pages)



FEMA

Mr. James Murphy
Wetlands and Water Resources Counsel
National Wildlife Federation
149 State Street
Montpelier, Vermont 05602

Re: FEMA 10-300 (Ninth Interim)

Dear Mr. Murphy:

This is the ninth interim response to your February 5, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). You requested:

- 1) All letters of map changes (LOMC) altering flood insurance rate maps the Federal Emergency Management Agency (FEMA) has issued in the state of Virginia involving letters of map revision based on fill (generally referred to as letters of map revision – fill or LOMR-F) or due to levee construction, issued from 1985 to the current date.
- 2) Information and documents detailing the amount and location of land acreage in the state of Virginia these letters of map change have impacted through either removal from or inclusion in the requirements of the National Flood Insurance Program (NFIP) since 1985.

Your request was received in this office on February 19, 2010.

We have considered your request under the Freedom of Information Act, 5 U.S.C. § 552. We conducted a search of FEMA Mitigation for responsive documents. This search produced a total of 6,725 pages. For this ninth interim release, we have reviewed 842 pages. Of those pages, 406 are releasable in their entirety, and 436 pages are partially releasable, pursuant to Title 5 U.S.C. § 552 (b)(6).

We have enclosed a copy of the first set of documents to be released in response to your request. Any redactions are accompanied by the corresponding FOIA exemptions:

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

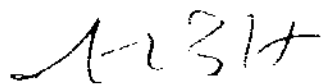
Provisions of the FOIA allow us to recover part of the cost of complying with your request. As a courtesy, FEMA will not charge the fees incurred in the processing of this request.

Regarding the remaining pages of responsive documents, we plan to release this information to you on a monthly basis from the date of this letter until all the documents have been released.

Moreover, we have determined a monthly release of information is most feasible due to the volume of records to be reviewed and our multi-tiered FOIA review process, which is as follows. Once we receive records, the first-line processor reviews the documents and determines the releasability. Then, the first-line processor's review determination is referred to the assigned team leader for review. If the team leader has no matters to amend, the review is referred to FEMA's Office of Chief Counsel (OCC) for legal review, to ensure compliance with the FOIA statute and applicable Department of Homeland Security regulations. If OCC has no matters to amend, the final review determination is routed to the Disclosure Branch Chief for signature and final release. If at any time during this review process there is a question with the release determination, the review process starts at the beginning, i.e., the documents are returned to the first-line processor to address the concerns, recommendations, and modifications identified during the team leader and OCC reviews. After the concerns, recommendations, and modifications are addressed by the first-line processor, the corrected release determination is then submitted for concurrence by the team leader for final signature of the Disclosure Branch Chief.

Should you need to contact us about this request, you may contact this office at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov. Please reference the request identifier **FEMA 10-300**.

Sincerely,



Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: Responsive Documents on CD (842 pages)



FEMA

Mr. James Murphy
Wetlands and Water Resources Counsel
National Wildlife Federation
149 State Street
Montpelier, Vermont 05602

Re: **FEMA 10-300 (Tenth Interim)**

Dear Mr. Murphy:

This is the tenth interim response to your February 5, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). You requested:

- 1) All letters of map changes (LOMC) altering flood insurance rate maps the Federal Emergency Management Agency (FEMA) has issued in the state of Virginia involving letters of map revision based on fill (generally referred to as letters of map revision – fill or LOMR-F) or due to levee construction, issued from 1985 to the current date.
- 2) Information and documents detailing the amount and location of land acreage in the state of Virginia these letters of map change have impacted through either removal from or inclusion in the requirements of the National Flood Insurance Program (NFIP) since 1985.

Your request was received in this office on February 19, 2010.

We have considered your request under the Freedom of Information Act, 5 U.S.C. § 552. We conducted a search of FEMA Mitigation for responsive documents. This search produced a total of 6,725 pages. For this tenth interim release, we have reviewed 1072 pages. Of those pages, 591 are releasable in their entirety, and 481 pages are partially releasable, pursuant to Title 5 U.S.C. § 552 (b)(6).

We have enclosed a copy of the first set of documents to be released in response to your request. Any redactions are accompanied by the corresponding FOIA exemptions:

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

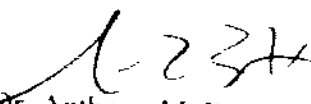
Provisions of the FOIA allow us to recover part of the cost of complying with your request. As a courtesy, FEMA will not charge the fees incurred in the processing of this request.

Regarding the remaining pages of responsive documents, we plan to release this information to you on a monthly basis from the date of this letter until all the documents have been released.

Moreover, we have determined a monthly release of information is most feasible due to the volume of records to be reviewed and our multi-tiered FOIA review process, which is as follows. Once we receive records, the first-line processor reviews the documents and determines the releasability. Then, the first-line processor's review determination is referred to the assigned team leader for review. If the team leader has no matters to amend, the review is referred to FEMA's Office of Chief Counsel (OCC) for legal review, to ensure compliance with the FOIA statute and applicable Department of Homeland Security regulations. If OCC has no matters to amend, the final review determination is routed to the Disclosure Branch Chief for signature and final release. If at any time during this review process there is a question with the release determination, the review process starts at the beginning, i.e., the documents are returned to the first-line processor to address the concerns, recommendations, and modifications identified during the team leader and OCC reviews. After the concerns, recommendations, and modifications are addressed by the first-line processor, the corrected release determination is then submitted for concurrence by the team leader for final signature of the Disclosure Branch Chief.

Should you need to contact us about this request, you may contact this office at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov. Please reference the request identifier **FEMA 10-300**.

Sincerely,


Mr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: Responsive Documents on CD (1072 pages)



FEMA

Mr. James Murphy
Wetlands and Water Resources Counsel
National Wildlife Federation
149 State Street
Montpelier, Vermont 05602

Re: FEMA 10-300 (Eleventh Interim)

Dear Mr. Murphy:

This is the eleventh and final interim response to your February 5, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). You requested:

- 1) All letters of map changes (LOMC) altering flood insurance rate maps the Federal Emergency Management Agency (FEMA) has issued in the state of Virginia involving letters of map revision based on fill (generally referred to as letters of map revision – fill or LOMR-F) or due to levee construction, issued from 1985 to the current date.
- 2) Information and documents detailing the amount and location of land acreage in the state of Virginia these letters of map change have impacted through either removal from or inclusion in the requirements of the National Flood Insurance Program (NFIP) since 1985.

Your request was received in this office on February 19, 2010.

We have considered your request under the Freedom of Information Act, 5 U.S.C. § 552. We conducted a search of FEMA Mitigation for responsive documents. This search produced a total of 6,725 pages. For this final interim release, we have reviewed 97 pages. Of those pages, 46 are releasable in their entirety, and 51 pages are partially releasable, pursuant to Title 5 U.S.C. § 552 (b)(6).

We have enclosed a copy of the first set of documents to be released in response to your request. Any redactions are accompanied by the corresponding FOIA exemptions:

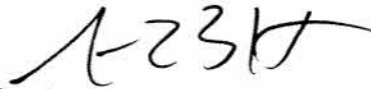
FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. As a courtesy, FEMA will not charge the fees incurred in the processing of this request.

Should you need to contact us about this request, you may contact this office at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov. Please reference the request identifier **FEMA 10-300**.

Sincerely,



Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: Responsive Documents on CD (97 pages)

10-300

	Binder 1	Binder 2	Binder 3	Binder 4	Binder 5	T
<u>01_LOMA</u>	$\frac{94}{300}$	$\frac{127}{195}$	$\frac{321}{195}$			$\frac{4}{2}$
<u>02_LOMA</u>	$\frac{78}{309}$	$\frac{110}{168}$	$\frac{101}{195}$	$\frac{141}{230}$		$\frac{43}{90}$
<u>03_LOMA</u>	$\frac{113}{322}$	$\frac{121}{190}$	$\frac{127}{213}$	$\frac{133}{200}$		$\frac{40}{9}$
<u>04_LOMA</u>	$\frac{110}{206}$	$\frac{104}{191}$	$\frac{92}{169}$			$\frac{30}{56}$
<u>05_LOMA</u>	$\frac{79}{161}$	$\frac{82}{157}$	$\frac{96}{168}$			$\frac{25}{48}$
<u>06_LOMA</u>	$\frac{90}{151}$	$\frac{98}{178}$	$\frac{94}{177}$			$\frac{282}{506}$
<u>07_LOMA</u>	$\frac{97}{166}$	$\frac{80}{166}$	$\frac{81}{189}$			$\frac{258}{521}$
<u>08_LOMA</u>	$\frac{112}{199}$	$\frac{82}{157}$	$\frac{97}{199}$	$\frac{78}{160}$	$\frac{67}{127}$	$\frac{436}{84}$
<u>09_LOMA</u>	$\frac{90}{202}$	$\frac{110}{227}$	$\frac{97}{207}$	$\frac{84}{198}$	$\frac{100}{238}$	$\frac{481}{1072}$
<u>0_LOMA</u>	$\frac{51}{97}$					$\frac{51}{97}$

Total = $\frac{3216}{6412}$

10-300

INTERNAL ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)

	Initials	Date Rcvd	Date Cleared
1. Admin Specialist			
2. M. Booker-Kasper : Acting Disclosure Branch Chief			
3. (b)(6)			
4. L. Hawkins: Team Lead			
5. : OCC			
6. : EA (for media, high visibility, Congressional & other external affairs issues)			
7. A. Sillah: Team Lead			
8. M. Booker-Kasper : Acting Disclosure Branch Chief :			

Action	File	Note and Return
Approval	For Review	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Info	Comment
Concurrence	Investigate	Signature
Coordination	Justify	Other (Note below)

REMARKS:

Case # 10-300 Interim Release #2

FROM: (Name, org. symbol, Agency/Post)

Location:

Phone Number:

REVIEW CHECKLIST

Initial File Review:

- _____ Responsive documents - compiled and OCR?
- _____ Hyperlinks deactivated/removed?
- _____ Do you have the requester's full address on the letter? (over 30 pages)
- _____ Is the Routing Slip current?
- _____ Do you have a submitter's notice for contracts?
- _____ Do you have signed taskers/e-mails from the appropriate components?

Final Coordination Folder:

- _____ Is the one page Summary Sheet stapled to inner left side of folder and contains the purpose, scope of the request, extraordinary issues and an exemption and fee analysis?
- _____ Are the following sections tabbed (a) Request & Acknowledgment letter (b) Correspondence (c) Search/taskers; (if applicable) (d) Records (e) 1st/2nd Submitter Notices and Submitter Comments?
- _____ Is the computer folder organized?

Outgoing Response Letters (Do not use old office letters)

- _____ Requester is addressed as Mr., Ms., or Dr.?
- _____ States are spelled out and not abbreviated.
- _____ Requester's full address on the letter if responsive document are over 30 pages
- _____ Responsive Documents less than 30 pages include **"SENT VIA E-MAIL TO: [INSERT THE E-MAIL ADDRESS HERE W/NO BRACES AROUND IT]"** bold and underlined three spaces below the FEMA logo.
- _____ Do not include e-mail address in the requester's address block.
- _____ Are all of the FEMA FOIA numbers bold i.e. **FEMA 11-000**?
- _____ Are phone numbers listed properly as "(202) 646-3323"?
- _____ Spell out single digit numbers, i.e., one through nine. 10 and up, do not spell out unless it starts a sentence. i.e. One hundred fifty-four (154) pages were located... Do not spell out large numbers within a sentence.
- _____ Are citations listed properly? "Title 5 U.S.C. § 552(b)(6)" Do not split citation.
- _____ Is the fee paragraph included? Citation included after paragraph.
- _____ Have you reviewed redactions on responsive documents to ensure exemptions codes are accurate?
- _____ Have you reviewed the final response letter for typos?
- _____ Are all exemptions claimed identified on final response letter?
- _____ Have you initialed and dated the routing sheet?

Post-Team Lead (TL)/Quality Assurance (QA) Review

- _____ Have you initialed and/or replied to each comment identified by TL?
- _____ Is the TL QA e-mail/corrected letter included in the folder?

Post OCC Review

- _____ Have you completed all changes from OCC?
- _____ Did you save the changes as a new document? i.e. 12-000 OCC Comments
- _____ Have you redacted release documents and reviewed each redaction to ensure redactions are compliant?

Final Review

- _____ Redacted/final release documents are saved in final release folder?
- _____ Remove all comment bubbles from the redacted/final release documents.

SUMMARY SHEET

Purpose: To obtain the approval and signature on the first interim response to Freedom of Information Act (FOIA) Case **10-300**.

Date: August 2, 2012

Request: The request asks for FEMA letters of map change (LOMC or LOMA and LOMR-F) for the state of Virginia and also asks for information on the locations and the acreage in Virginia that was impacted through the National Flood Insurance Program. The request covers records in the date range 1985-2010.

The requestor is James Murphy of the National Wildlife Federation. The request letter is dated February 19, 2010. Murphy confirmed continued interest on November 21, 2011.

Tasking: Willie Taylor and Kathryn Hinkley in FEMA Mitigation were tasked. [REDACTED]

(b)(5)

Fees: [REDACTED]

(b)(5)

Interim 2 has 226 fully releasable pages and 229 partially releasable pages.

POINT OF CONTACT:

Edward Berg, KnowledgeBank; [REDACTED]

(b)(6)

Monique R. Booker-Kasper
Acting Disclosure Branch Chief
Records Management Division

Date

[REDACTED]
(b)(6)

Date



Northeast Natural Resources Center
149 State Street
Montpelier, VT 05602
802.552.4325 (direct dial)
802.229.4532 (fax)

FEB 10 2010

February 5, 2010

VIA FIRST CLASS MAIL AND EMAIL (fema-foia@dhs.gov)

(b)(6)

Federal Emergency Management Agency
500 C Street, S.W., Room 840
Washington, D.C. 20472

**RE: FREEDOM OF INFORMATION ACT REQUEST: Information Regarding
Letters of Map Change for the State of Virginia**

Dear Ms. (b)(6)

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. §552, the National Wildlife Federation (NWF) requests:

1. All letters of map change (LOMC) altering flood insurance rate maps the Federal Emergency Management Agency (FEMA) has issued in the state of Virginia from 1985 to the current date. NWF is specifically interested in copies of all letters of map change in the state of Virginia involving letters of map revision based on fill (generally referred to as letters of map revision - fill or LOMR-F) or due to levee construction, issued from 1985 to the current date.*
2. Information and documents† detailing the amount and location of land acreage in the state of Virginia these letters of map change have impacted through either removal from or inclusion in the requirements of the National Flood Insurance Program (NFIP) since 1985.

* If the scope of this request will take an exceedingly long amount of time to process, NWF may be open to tailoring this request to only information and documents concerning LOMR-F and LOMC issued due to levee construction from 1985 to the current date.

† Information and documents includes, but is not limited to, writings (handwritten, typed, electronic or otherwise produced, reproduced or stored), letters, inspection reports, memoranda, correspondence, notes, field notes, telephone conversations, telefaxes, e-mails, other documents, data bases, drawings, graphs, charts, maps, photographs, minutes of meetings, electronic and magnetic recordings of meetings, and any other compilation of data from which information can be obtained. All of the foregoing is included in this request if they are in the possession of or otherwise under the control of the FEMA. If such records are no longer under the control of the FEMA, but were at any time, records shall include any information of any kind, including, but not limited to, those types of information listed above, regarding the current location of such records.

February 5, 2010

(b)(6)

Page 2 of 4

The NWF requests prompt response to the above inquiry; the organization would prefer to receive ongoing updates of information satisfying the requests as soon as possible.

Mail responsive copies within 20 days of receipt of this letter to:

James Murphy
National Wildlife Federation
149 State Street
Montpelier, Vermont 05602

If you determine that portions of the records requested are exempt from disclosure, please segregate the exempt portions and mail the remaining records to the above location within the statutory time limits. For any records or portions of records that you determine to be exempt, please provide a specific description of the record or portion of the record exempted along with a particularized description of the exemption relied upon.

This FOIA request is made on behalf of NWF, the nation's largest non-profit conservation advocacy and education organization. Headquartered in Reston, Virginia, NWF has over 4 million members and supporters, and has affiliate organizations in over 45 states and territories, including Virginia. NWF's mission is to inspire Americans to protect wildlife for our children's future. As both a conservation education and advocacy organization, NWF clearly falls into the Department of Justice's (DOJ's) FOIA category of "news media, educational, or scientific requester."

The requested records specifically concern "identifiable operations or activities of the government." In particular, NWF seeks these records for their informative value in evaluating the legality and reasonableness of particular NFIP authorizations, as well as their value in more broadly evaluating the FEMA's administration of the NFIP program as it impacts natural resources in Virginia. FEMA's floodplain mapping activities, determination of flood insurance rate maps, and issuance of letters of map change are "identifiable operations or activities of the government." (DOJ Fee Waiver Factor No. 1 at www.usdoj.gov/oip/foi-act).

The requested records are "likely to contribute" to an understanding of these operations and activities because most of them were not otherwise in the public domain, and certainly were not generally accessible other than through a FOIA request. These documents are "meaningfully informative" with respect to understanding the FEMA's management of the NFIP and the affected and excluded property areas. (DOJ Fee Waiver Factor No. 2 at www.usdoj.gov/oip/foi-act).

Disclosure of the information requested will contribute to the understanding of the "public at large," as opposed to that of a narrow segment of interested persons. NWF has long-standing interest and expertise in the conservation of wetlands and endangered species, and maintains active environmental education and environmental defense programs toward this end. NWF and its members and affiliates are particularly concerned about endangered species

February 5, 2010

(b)(6) FOIA Officer

Page 3 of 4

protection and about FEMA's administration of the NFIP. NWF disseminates the information it receives through FOIA regarding these government operations and activities through analysis and distribution to the media, as well as distribution through mailing, posting on NWF's website, emailing, and listserv distribution to our members, affiliates, and like-minded interested parties nationally. In addition, NWF disseminates this information through congressional testimony, comments to administrative agencies, and where necessary, through the judicial system.

NWF unquestionably has the "specialized knowledge" and "ability and intention" to disseminate the information requested in the broad manner outlined above, and to do so in a manner that contributes to the understanding of the "public-at-large." As the DOJ guidance indicates, distribution through media channels, alone, is presumptively sufficient to satisfy this requirement. NWF has demonstrated that the information requested in this case will contribute to the understanding of the public at large. (DOJ Fee Waiver Factor No. 3 at www.usdoj.gov/oip/foi-act).

Disclosure of the information requested will also contribute "significantly" to the public's understanding of FEMA's decisions in the requested instances and in general. The specific files requested were identified for further examination precisely because they involve serious questions of the danger to habitat, floodplains, and wildlife species posed by development enabled and encouraged by the NFIP. The disclosure of the requested FEMA files is essential to understand and respond to FEMA's decisions that may negatively affect wildlife resources. (DOJ Fee Waiver Factor No. 4 at www.usdoj.gov/oip/foi-act).

Finally, the disclosure of this information to NWF is not "primarily," or even secondarily, in the organization's commercial interest. NWF does not intend to use this information in a manner that "furthers a commercial, trade, or profit interest as those terms are commonly understood." Any publication of any analysis of the requested information would be for the sole purpose of disseminating the information to the public at large to educate and advocate for the conservation of wetlands, wildlife, and water quality, and for protection of floodplains, wildlife species, habitat and natural resources. (Commercial Interest factor at www.usdoj.gov/oip/foi-act).

For the foregoing reasons, it is clear that the disclosure of the information requested is in the public interest because it is likely to contribute significantly to the public's understanding of FEMA's NFIP implementation decisions as they affect floodplain areas and wildlife species that rely on such areas and are impacted by the development of such areas. The public will be the primary beneficiary of this requested information. Therefore, please waive processing and copying fees pursuant to 5 U.S.C. § 552(a)(4). In any event, the request for a fee waiver should not be construed as an extension of time in which to reply to this FOIA request.

February 5, 2010

(b)(6)

Page 4 of 4

Thank you for your consideration. If you have any questions, please do not hesitate to call me at (b)(6)

Sincerely,

/s/ James Murphy

James Murphy
Wetlands and Water Resources Counsel
National Wildlife Federation



FEMA

James Murphy
Wetlands and Water Resources Counsel
National Wildlife Federation
149 State Street
Montpelier, VT 05602

FEB 25 2010

Re: **FEMA 10-300**

Dear Mr. Murphy:

This acknowledges receipt of your February 5, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). You requested: 1) All letters of map changes (LOMC) altering flood insurance rate maps the Federal Emergency Management Agency (FEMA) has issued in the state of Virginia involving letters of map revision based on fill (generally referred to as letters of map revision - fill or LOMR-F) or due to levee construction, issued from 1985 to the current date; 2) Information and documents detailing the amount and location of land acreage in the state of Virginia these letters of map change have impacted through either removal from or inclusion in the requirements of the National Flood Insurance Program (NFIP) since 1985.

Your request was received in this office on February 19, 2010.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS interim FOIA regulations as they apply to non-commercial requestors. As a non-commercial requestor you will be charged 10-cents a page for duplication, although the first 100 pages are free, as are the first two hours of search time, after which you will pay the quarter-hour rate for clerical (\$4.00), professional (\$7.00), and/or managerial (\$10.25) personnel. We will construe the submission of your request as an agreement to pay up to \$25.00. You will be contacted before any further fees are accrued.

We have alerted the appropriate component of FEMA for responsive records. If any responsive records are located, they will be reviewed to determine if they are releasable. We appreciate your patience as we proceed with your request.

Your fee waiver request will be considered after a review of the responsive documents. In the event that your fee waiver is denied, we shall charge you for records in accordance with the DHS interim FOIA regulations as they apply to non-commercial requestors.

The DHS FOIA Regulations, 6 CFR § 5.11(k)(2), set forth six factors to examine in determining whether the applicable legal standard for a fee waiver has been met: (1) Whether the subject of the requested records concerns "the operations or activities of the government"; (2) Whether the disclosure is "likely to contribute" to an understanding of government operations or activities; (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons; (4) Whether the contribution to public understanding of government operations or activities will be "significant;" (5) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and (6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor. If any responsive records are located, we will consider these factors in our evaluation of your request for a fee waiver.

More information concerning the FOIA and implementing DHS regulations is available on-line at: www.dhs.gov/xfoia/editorial_0318.shm.

Your request has been assigned reference number **FEMA 10-300**. Please refer to this identifier in any future correspondence. You may contact this office at 202-646-3323 or by email at FEMA-FOIA@dhs.gov.

Sincerely,

(b)(6)

Senior FOIA Specialist
Disclosure Branch
Office of Records Management
Management Directorate



FEMA

21 NOV 2011

James Murphy
Wetlands and Water Resources Counsel
National Wildlife Federation
149 State Street
Montpelier, VT 05602

Re: **FEMA 10-300**

Dear Mr. Murphy:

This letter is to confirm your continued interest in your Freedom of Information Act (FOIA) request, dated February 5, 2010 to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). Your request was received in this office on February 19, 2010.

Please be advised that, due to a recent reorganization, which resulted in staff reductions, we have experienced significant delays in processing request. If you are interested in continuing the processing of this request, you must indicate your continued interest in pursuing your request within 14 days from the date of this letter, or we will assume you are no longer interested in this FOIA request, and it will be administratively closed.

We sincerely apologize for the delay and any inconvenience it may have caused. However, we are making earnest and diligent efforts to reduce our backlog of cases and to improve upon our efficiencies and customer service.

If you are interested in pursuing your request, please contact this office at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov. Please reference the request identifier **FEMA 10-300** in your communications with this office.

Sincerely,

Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: A copy of your request



Northeast Natural Resources Center
149 State Street
Montpelier, VT 05602
802.552.4325 (direct dial)
802.229.4532 (fax)

FEB 10 2010

February 5, 2010

VIA FIRST CLASS MAIL AND EMAIL (fema-foia@dhs.gov)

(b)(6)
Federal Emergency Management Agency
500 C Street, S.W., Room 840
Washington, D.C. 20472

**RE: FREEDOM OF INFORMATION ACT REQUEST: Information Regarding
Letters of Map Change for the State of Virginia**

Dear Ms. (b)(6)

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. §552, the National Wildlife Federation (NWF) requests:

1. All letters of map change (LOMC) altering flood insurance rate maps the Federal Emergency Management Agency (FEMA) has issued in the state of Virginia from 1985 to the current date. NWF is specifically interested in copies of all letters of map change in the state of Virginia involving letters of map revision based on fill (generally referred to as letters of map revision - fill or LOMR-F) or due to levee construction, issued from 1985 to the current date.*
2. Information and documents† detailing the amount and location of land acreage in the state of Virginia these letters of map change have impacted through either removal from or inclusion in the requirements of the National Flood Insurance Program (NFIP) since 1985.

* If the scope of this request will take an exceedingly long amount of time to process, NWF may be open to tailoring this request to only information and documents concerning LOMR-F and LOMC issued due to levee construction from 1985 to the current date.

† Information and documents includes, but is not limited to, writings (handwritten, typed, electronic or otherwise produced, reproduced or stored), letters, inspection reports, memoranda, correspondence, notes, field notes, telephone conversations, telefaxes, e-mails, other documents, data bases, drawings, graphs, charts, maps, photographs, minutes of meetings, electronic and magnetic recordings of meetings, and any other compilation of data from which information can be obtained. All of the foregoing is included in this request if they are in the possession of or otherwise under the control of the FEMA. If such records are no longer under the control of the FEMA, but were at any time, records shall include any information of any kind, including, but not limited to, those types of information listed above, regarding the current location of such records.

February 5, 2010

(b)(6)

Page 2 of 4

The NWF requests prompt response to the above inquiry; the organization would prefer to receive ongoing updates of information satisfying the requests as soon as possible.

Mail responsive copies within 20 days of receipt of this letter to

James Murphy
National Wildlife Federation
149 State Street
Montpelier, Vermont 05602

If you determine that portions of the records requested are exempt from disclosure, please segregate the exempt portions and mail the remaining records to the above location within the statutory time limits. For any records or portions of records that you determine to be exempt, please provide a specific description of the record or portion of the record exempted along with a particularized description of the exemption relied upon.

This FOIA request is made on behalf of NWF, the nation's largest non-profit conservation advocacy and education organization. Headquartered in Reston, Virginia, NWF has over 4 million members and supporters, and has affiliate organizations in over 45 states and territories, including Virginia. NWF's mission is to inspire Americans to protect wildlife for our children's future. As both a conservation education and advocacy organization, NWF clearly falls into the Department of Justice's (DOJ's) FOIA category of "news media, educational, or scientific requester."

The requested records specifically concern "identifiable operations or activities of the government." In particular, NWF seeks these records for their informative value in evaluating the legality and reasonableness of particular NFIP authorizations, as well as their value in more broadly evaluating the FEMA's administration of the NFIP program as it impacts natural resources in Virginia. FEMA's floodplain mapping activities, determination of flood insurance rate maps, and issuance of letters of map change are "identifiable operations or activities of the government." (DOJ Fee Waiver Factor No. 1 at www.usdoj.gov/oip/foi_act).

The requested records are "likely to contribute" to an understanding of these operations and activities because most of them were not otherwise in the public domain and certainly were not generally accessible other than through a FOIA request. These documents are "meaningfully informative" with respect to understanding the FEMA's management of the NFIP and the affected and excluded property areas. (DOJ Fee Waiver Factor No. 2 at www.usdoj.gov/oip/foi_act).

The disclosure of the information requested will contribute to the understanding of the "public at large," as opposed to that of a narrow segment of interested persons. NWF has long-standing interest and expertise in the conservation of wetlands and endangered species, and maintains active environmental education and environmental defense programs toward this end. NWF and its members and affiliates are particularly concerned about endangered species

February 5, 2010

(b)(6)

Page 3 of 4

protection and about FEMA's administration of the NFIP. NWF disseminates the information it receives through FOIA regarding these government operations and activities through analysis and distribution to the media, as well as distribution through mailing, posting on NWF's website, emailing, and listserv distribution to our members, affiliates, and like-minded interested parties nationally. In addition, NWF disseminates this information through congressional testimony, comments to administrative agencies, and where necessary, through the judicial system.

NWF unquestionably has the "specialized knowledge" and "ability and intention" to disseminate the information requested in the broad manner outlined above, and to do so in a manner that contributes to the understanding of the "public-at-large." As the DOJ guidance indicates, distribution through media channels, alone, is presumptively sufficient to satisfy this requirement. NWF has demonstrated that the information requested in this case will contribute to the understanding of the public at large. (DOJ Fee Waiver Factor No. 3 at www.usdoj.gov/oip/foi-act).

Disclosure of the information requested will also contribute "significantly" to the public's understanding of FEMA's decisions in the requested instances and in general. The specific files requested were identified for further examination precisely because they involve serious questions of the danger to habitat, floodplains, and wildlife species posed by development enabled and encouraged by the NFIP. The disclosure of the requested FEMA files is essential to understand and respond to FEMA's decisions that may negatively affect wildlife resources. (DOJ Fee Waiver Factor No. 4 at www.usdoj.gov/oip/foi-act).

Finally, the disclosure of this information to NWF is not "primarily," or even secondarily, in the organization's commercial interest. NWF does not intend to use this information in a manner that "furthers a commercial, trade, or profit interest as those terms are commonly understood." Any publication of any analysis of the requested information would be for the sole purpose of disseminating the information to the public at large to educate and advocate for the conservation of wetlands, wildlife, and water quality, and for protection of floodplains, wildlife species, habitat and natural resources. (Commercial Interest factor at www.usdoj.gov/oip/foi-act).

For the foregoing reasons, it is clear that the disclosure of the information requested is in the public interest because it is likely to contribute significantly to the public's understanding of FEMA's NFIP implementation decisions as they affect floodplain areas and wildlife species that rely on such areas and are impacted by the development of such areas. The public will be the primary beneficiary of this requested information. Therefore, please waive processing and copying fees pursuant to 5 U.S.C. § 552(a)(4). In any event, the request for a fee waiver should not be construed as an extension of time in which to reply to this FOIA request.

February 5, 2010

(b)(6)

Page 4 of 4

Thank you for your consideration. If you have any questions, please do not hesitate to call me at (b)(6)

Sincerely,

/s/ James Murphy

James Murphy
Wetlands and Water Resources Counsel
National Wildlife Federation

FEMA FOIA OFFICE
Freedom of Information Act (FOIA) Suspense Tracker

FOIA Case No: 10-300

Date: 02-25-2010

To: Willie Taylor, Kathryn Hinkley

Suspense Date (Information required in Disclosure Office): 03/11/2010

If you have any questions, please contact:

(b)(6)

Attachment(s): SEE REQUEST

INSTRUCTIONS FROM DISCLOSURE OFFICE:

- ☒ Search your records for responsive documents. (If your search locates voluminous records, please contact us with estimated number of pages and time to process records within 5 working days. The FOIA Office will contact the requester to see if we can narrow the scope of the request).
- ☒ Request you review the document(s) for release to the requestor.
- ☒ Upon completion of your review, return this form, the document(s) (if applicable) along with the unsigned final response letter to the requester to: FEMA FOIA Office.
- ☒ Record the time spent reviewing/coordinating on the request and the number of pages on the enclosed Processing Cost form.

COMMENTS FROM FEMA COMPONENT: (Check all that apply)

- ☐ Total release. Attach the document(s) that you are going to release to the requester.

(b)(5)

- ☐ Recommend withholding the entire document(s) under the following FOIA exemptions(s). Attach the document(s) to be withheld in its/their entirety.
- ☐ NO RECORDS - Our search failed to locate the responsive document(s). In order to fulfill a No Records please annotate below what and how you searched for responsive documents (i.e. database, hard files, etc.)
- ☐ We believe other FEMA office(s), DHS office(s), or other agencies should be involved in processing this request; recommend you contact:

The following statement must be signed by the appropriate Subject Matter Expert who processed FOIA. I certify that all appropriate files have been searched and all responsive documents have been reviewed, copied and provided to the FEMA FOIA Office.

Jonathan Westcott

Jonathan Westcott
(Name/Title)
Program Specialist

Phone #

(b)(6)

(Date)

05/26/10

INTERNAL ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)

	Initials	Date Rcvd	Date Cleared
1. - : Admin Specialist			
2. Dr. Anthony M. Bennett: Disclosure Branch Chief			
3. (b)(6)	(b)(6)	2/13/12	3/21/12
4. : Team Lead		3/21/12	
5. : OCC			
6. : EA (for media, high visibility, Congressional & other external affairs issues)			
7. : Team Lead			
8. Dr. Anthony M. Bennett: Disclosure Branch Chief			

Action	File	Note and Return
Approval	For Review	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Info	Comment
Concurrence	Investigate	Signature
Coordination	Justify	Other (Note below)

REMARKS:

10393

~~DAE~~

FROM: (Name, org. symbol, Agency/Post)

Name

Location:

Phone Number:

Correspondence

INQUIRY FROM
The REQUESTER
12/27/2011

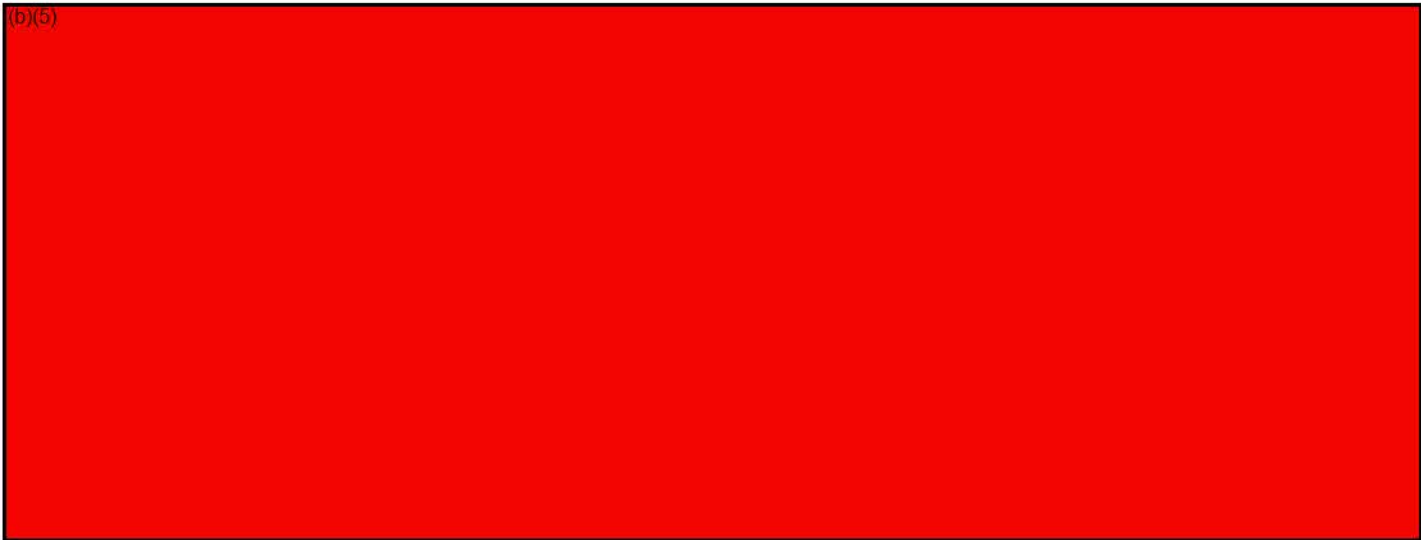
Sillah, Alecia

QA-TL
From
Alecia

From: Sillah, Alecia
Sent: Friday, August 26, 2011 1:00 PM
To: (b)(6)
Cc: Bennett, Anthony M
Subject: Next Steps for 10-393

(b)(6)

(b)(5)



Alecia S. Sillah
Team Leader/Senior FOIA Analyst
Disclosure Branch (FOIA Office)
Records Management Division
Federal Emergency Management Agency (FEMA)
U.S. Department of Homeland Security
@dhs.gov

(b)(6)

From: FEMA-FOIA
Sent: Tuesday, January 03, 2012 11:21 AM
To: (b)(6)
Subject: Robinson, Pearlene
FW: FEMA 10-393 Case Status

Good morning (b)(6)

I am forwarding you this email from the FOIA inbox

(b)(6)

From: Sam Begley [mailto:(b)(6)@bellsouth.net]
Sent: Tuesday, January 03, 2012 11:19 AM
To: FEMA-FOIA
Subject: Re: FEMA 10-393 Case Status

Thank you
Sam Begley

----- Original Message -----

From: FEMA-FOIA
To: (b)(6)@bellsouth.net
Cc: FEMA-FOIA
Sent: Tuesday, January 03, 2012 8:33 AM
Subject: FEMA 10-393 Case Status

Dear Mr. Begley:

This e-mail is in regard to your FOIA request, FEMA 10-393. The status of your request is as follows. Your responsive material is currently being reviewed by the first-line processor to determine releasability.

Currently, there are 469 FOIA requests pending in this office. These requests are at various stages in the process. Please be advised, however, that the processor assigned to your request has 33 of the 469 requests that are pending review. Moreover, regarding the stages in the process please be advised that the Disclosure Branch has a multi-tiered FOIA review process. Once we receive records, the first-line processor reviews the documents and determines the releasability. Then, the first-line processor's review determination is referred to the assigned team leader for review. If the team leader has no matters to amend, the review is referred to FEMA's Office of Chief Counsel (OCC) for legal review, to ensure compliance with the FOIA statute and applicable Department of Homeland Security regulations. If OCC has no matters to amend, the final review determination is routed to the Disclosure Branch Chief for signature and final release. If at any time during this review process there is a question with the release determination, the review process starts at the beginning,

i.e., the documents are returned to the first-line processor to address the concerns, recommendations, and modifications identified during the team leader and OCC reviews. After the concerns, recommendations, and modifications are addressed by the first-line processor, the corrected release determination is then submitted for concurrence by the team leader for final signature of the Disclosure Branch Chief.

Should you have any additional concerns, you may contact us at FEMA-FOIA@dhs.gov or (202) 646-3323. With all of your future communications to this office regarding this request, please reference the tracking number (FEMA 10-393) provided in your acknowledgment letter.

We certainly understand the importance of your request and are working diligently to provide the information you have requested. Thank you for your continued patience.

We trust this has been responsive to your inquiry.

Sincerely,

The FEMA Disclosure Branch

(b)(6)

From: (b)(6)
Sent: Wednesday, January 04, 2012 12:47 PM
To: Cook, Connie
Cc: (b)(6)
Subject: RE: FEMA 10-393

Hi Connie,

The requester's email was responded to on yesterday via email through the FOIA inbox. Mr. Begley was advised that his responsive material is currently under review by the first-line processor. (I will add copy of correspondence to that effect to the e-file). He responded with "Thank you." I had already begun processing his documents. They are located in the e-file in the folder named "Responsive Documents". My working copy is the PDF named "Combined Bracketed". I think I stopped on page 97 or so. (b)(6) can pick it up from there. If you have further questions, please do not hesitate to ask. Thanks!

Respectfully,

(b)(6)

Management Program Analyst
Federal Emergency Management Agency
U.S. Department of Homeland Security
Office: (b)(6)
Email: (b)(6)@dhs.gov

From: Cook, Connie
Sent: Wednesday, January 04, 2012 12:31 PM
To: (b)(6)
Cc: (b)(6)
Subject: FW: FEMA 10-393

Hi (b)(6)
In an effort to respond to the requester's inquiry re current status, immediately, as Dr. Bennett has requested, please clarify: (b)(6)

Thanks much.

Connie
Connie R. Cook
Department of Homeland Security
Federal Emergency Management Agency
Mission Support Bureau

Records Management Division

(b)(6)

@dhs.gov

From: (b)(6)
Sent: Wednesday, January 04, 2012 11:52 AM
To: Cook, Connie
Subject: FW: FEMA 10-393

From: FEMA-FOIA
Sent: Thursday, December 29, 2011 11:25 AM
To: (b)(6)
Cc: Robinson, Pearlene; (b)(6)
Subject: FW: FEMA 10-393

Good Morning,

Please make a note to contact the requester on Tuesday.

Thanks,

Dr. Anthony M. (Tony) Bennett
Chief, Disclosure Branch
Records Management Division
Federal Emergency Management Agency
US Department of Homeland Security
@fema.gov

(b)(6)

From: Sam Begley [mailto:(b)(6)@bellsouth.net]
Sent: Tuesday, December 27, 2011 7:07 PM
To: FEMA-FOIA
Subject: Re: FEMA 10-393

Kirby, Please advise me on the status of this request. You may reach me at (b)(6)
Sam Begley

----- Original Message -----

From: FEMA-FOIA
To: Sam Begley
Sent: Tuesday, September 07, 2010 7:13 AM
Subject: RE: FEMA 10-393

Hello Mr. Begley,

When the Disclosure Branch issue out tasks to the program office for record search, we anticipate that they will be able to provide the documents within the deadline provided, however please be advised that under the FOIA we are required to process these requests on a first in and first out basis. There are numerous requests that the program office is retrieving documents for that were received prior to your request. The program office has advised our office that they are conducting a search and once we have additional information we will provide this to you.

Also, we conduct follow-up with the program office routinely and as soon as we have these documents we will provide you a status update.

Thank you,

(b)(6)

From: Sam Begley [mailto:(b)(6)@bellsouth.net]

Sent: Sunday, September 05, 2010 11:30 AM

To: FEMA-FOIA,

Subject: FEMA 10-393

I have not heard anything back from your agency regarding my FOIA request since receiving an acknowledgment letter from (b)(6) dated April 7, 2010
I am inquiring about any update on your office's processing my request..

Sam Begley

APR 02 2010

FEMA 10-393

BEGLEY LAW FIRM, PLLC

Post Office Box 287
Jackson, Mississippi 39205

123 N. State Street
Jackson, Mississippi 39201

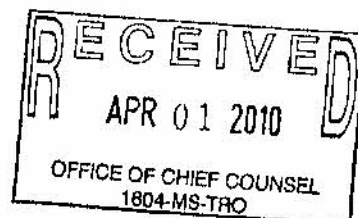
Samuel L. Begley
(b)(6) @belkouth.net

Telephone
(601)969-5545

Facsimile
(601)969-5547

March 29, 2010

United States Department of Homeland Security
Federal Emergency Management Agency
Transitional Recovery Office
220 Pops Fairy Road
Biloxi, MS 39530



Dear Sir or Madam:

This letter is written pursuant to the Freedom of Information Act.

I am requesting that you provide me with all logs, emails, notes, memoranda, letters, files or other records concerning compliance-related issues for Scott Construction (MS), and its contract with FEMA, from June 1, 2006 through December 31, 2009.


Please supply me with the records without informing me of their costs or fees if they do not exceed \$250, which I agree to pay. You may make these records available to me either electronically or in paper form, whichever is easier to produce. I will be happy to come to Biloxi if this will expedite the process. If you deny all or any part of this request, please cite each specific exemption that you think justifies your refusal to release the information and notify me of the appeals procedure available under the law.

I also note that I previously corresponded with (b)(6) of your office on December 4, 2008, explaining that I represent (b)(6) and (b)(6) in a civil action filed in the Circuit Court of Hancock County against their former employer, Scott Construction (MS) Corp., a FEMA contractor, for wrongful termination. I previously supplied (b)(6) and (b)(6) with the Court complaint, which contains the factual particulars. (b)(6) and (b)(6) communicated with (b)(6) along with other persons in your office about Scott Construction's failure to comply with its contract with your agency, and Scott making misrepresentations and false claims. Also, I previously subpoenaed (b)(6) and (b)(6). In response to these subpoenas, I received a letter from the Office of General Counsel from Mark D. Keyl, an attorney with FEMA's Office of Chief Counsel. The various documents that I am referring to in this letter are attached for your reference.

Please feel free to contact me by telephone or email if you have any questions about this FOIA request.

Sincerely,

BEGLEY LAW FIRM, PLLC

By: 
Samuel L. Begley

SLB/fcc
Enclosures

IN THE CIRCUIT COURT OF HANCOCK COUNTY, MISSISSIPPI

(b)(6)

PLAINTIFFS

V.

CAUSE NO. 08-0035

SCOTT CONSTRUCTION (MISSISSIPPI) CORP. AND
(b)(6)

DEFENDANTS

DEPOSITION SUBPOENA AND SUBPOENA DUCES TECUM

STATE OF MISSISSIPPI
COUNTY OF HANCOCK

TO:

(b)(6)

FEMA Biloxi Office
220 Popps Ferry Road
Biloxi, MS 39531-3913

You are commanded to appear at the place, date and time specified below to testify at the taking of a deposition in the above case:

Hawkins, Stracener & Gibson, PLLC
544 Main Street
Bay St. Louis, MS 39520
January 2, 2009 @ 9:00 A.M.

You are also commanded to bring with you the following document(s) or object(s):

1. All logs, e-mails, notes, memoranda, letters, files or other records concerning compliance related issues for Scott Construction (Miss.) Corp., and its contract with FEMA from June 1, 2006 to the present.

WITNESS MY SIGNATURE AND SEAL OF OFFICE, this the ____ day of December, 2008.

Circuit Clerk of Hancock County, Mississippi

(Seal)

RETURN

STATE OF MISSISSIPPI
COUNTY OF _____

I, _____, do hereby certify that I am over the age of 18 years, that I am not a party to this suit, and that I have personally served a true and correct copy of the above and foregoing Deposition Subpoena and Subpoena Duces Tecum upon _____ (b)(6) by personally delivering a copy of same to her at 12199 Hwy 49, Suite 200, Gulfport, MS 39503.

THIS the _____ day of December, 2008.

signature and address of process server

SWORN TO AND SUBSCRIBED BEFORE ME, this _____ day of December, 2008.

NOTARY PUBLIC

My commission expires:

BEGLEY LAW FIRM, PLLC

Post Office Box 287
Jackson, Mississippi 39205

United States Department of Homeland Security
Federal Emergency Management Agency
~~Special~~ ~~Disaster~~ Recovery Office
220 Pops Fairy Road
Biloxi, MS 39530

3553049993



UNITED STATES POSTAGE
PITNEY BOWES
\$ 000.610
02 1P
0003923850 MAR 29 2010
MAILED FROM ZIP CODE 39202



FEMA

Samuel L. Begley
Attorney at Law
Begley Law Firm, PLLC
P.O. Box 287
Jackson, Mississippi 39205
(b)(6)@bellsouth.net

APR 07 2010

Re: FEMA 10-393

Dear Mr. Begley:

This acknowledges receipt of your April 2, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). You requested all logs, emails, notes, memoranda, letters, files or other records concerning compliance related issues for Scott Construction (MS) and its contract with FEMA from June 1, 2006 through December 31, 2009. Your request was received in this office on April 2, 2010.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS interim FOIA regulations as they apply to commercial requestors; i.e., you will be charged 10-cents per page for duplication, and the quarter-hour rate for search and review, which can be the clerical rate (\$4.00), professional rate (\$7.00), and/or managerial rate (\$10.25). We will construe the submission of your request as an agreement to pay up to \$250.00. You will be contacted before any further fees are accrued.

We have queried the appropriate component of FEMA for responsive records. If any responsive records are located, they will be reviewed to determine if they are releasable. We appreciate your patience as we proceed with your request.

More information concerning the FOIA and implementing DHS regulations is available on-line at: www.dhs.gov/xfoia/editorial_0318.shtm.

Your request has been assigned reference number **FEMA 10-393**. Please refer to this identifier in any future correspondence. You may contact this office at 202-646-3323 or by e-mail at FEMA-FOIA@dhs.gov.

Sincerely,

(b)(6)

Senior FOIA Specialist
Disclosure Branch
Records Management Division

From: FEMA-FOIA
Sent: Tuesday, January 03, 2012 11:21 AM
To: (b)(6) Robinson, Pearlene
Subject: FW: FEMA 10-393 Case Status

Good morning (b)(6)

I am forwarding you this email from the FOIA inbox

(b)(6)

From: Sam Begley [mailto:(b)(6)@bellsouth.net]
Sent: Tuesday, January 03, 2012 11:19 AM
To: FEMA-FOIA
Subject: Re: FEMA 10-393 Case Status

Thank you
Sam Begley

----- Original Message -----

From: FEMA-FOIA
To: (b)(6)@bellsouth.net
Cc: FEMA-FOIA
Sent: Tuesday, January 03, 2012 8:33 AM
Subject: FEMA 10-393 Case Status

Dear Mr. Begley:

This e-mail is in regard to your FOIA request, FEMA 10-393. The status of your request is as follows. Your responsive material is currently being reviewed by the first-line processor to determine releasability.

Currently, there are 469 FOIA requests pending in this office. These requests are at various stages in the process. Please be advised, however, that the processor assigned to your request has 33 of the 469 requests that are pending review. Moreover, regarding the stages in the process please be advised that the Disclosure Branch has a multi-tiered FOIA review process. Once we receive records, the first-line processor reviews the documents and determines the releasability. Then, the first-line processor's review determination is referred to the assigned team leader for review. If the team leader has no matters to amend, the review is referred to FEMA's Office of Chief Counsel (OCC) for legal review, to ensure compliance with the FOIA statute and applicable Department of Homeland Security regulations. If OCC has no matters to amend, the final review determination is routed to the Disclosure Branch Chief for signature and final release. If at any time during this review process there is a question with the release determination, the review process starts at the beginning.

i.e., the documents are returned to the first-line processor to address the concerns, recommendations, and modifications identified during the team leader and OCC reviews. After the concerns, recommendations, and modifications are addressed by the first-line processor, the corrected release determination is then submitted for concurrence by the team leader for final signature of the Disclosure Branch Chief.

Should you have any additional concerns, you may contact us at FEMA-FOIA@dhs.gov or (202) 646-3323. With all of your future communications to this office regarding this request, please reference the tracking number (FEMA 10-393) provided in your acknowledgment letter.

We certainly understand the importance of your request and are working diligently to provide the information you have requested. Thank you for your continued patience.

We trust this has been responsive to your inquiry.

Sincerely,

The FEMA Disclosure Branch

(b)(6)

From:

Sent:

To:

Cc:

Subject:

(b)(6)

Wednesday, January 04, 2012 12:47 PM

Cook, Connie

(b)(6)

RE: FEMA 10-393

Hi Connie,

The requester's email was responded to on yesterday via email through the FOIA inbox. Mr. Begley was advised that his responsive material is currently under review by the first-line processor. (I will add copy of correspondence to that effect to the e-file). He responded with "Thank you." I had already begun processing his documents. They are located in the e-file in the folder named "Responsive Documents". My working copy is the PDF named "Combined Bracketed". I think I stopped on page 97 or so. (b)(6) can pick it up from there. If you have further questions, please do not hesitate to ask. Thanks!

Respectfully,

(b)(6)

Management Program Analyst
Federal Emergency Management Agency
U.S. Department of Homeland Security
Office: (b)(6)
Email: (b)(6)@dhs.gov

From: Cook, Connie

Sent: Wednesday, January 04, 2012 12:31 PM

To: McGoogan, Rhonda

Cc: Tate, Tracy (CTR)

Subject: FW: FEMA 10-393

Hi Rhonda,

In an effort to respond to the requester's inquiry re current status, immediately, as Dr. Bennett has requested, please clarify: is the CD labeled "redacted," ready to go, i.e., have the docs been cleared by Alecia/Pearlene and OCC, and are simply awaiting the final letter? If not, what does this CD represent?

Thanks much

Connie

Connie R. Cook

Department of Homeland Security

Federal Emergency Management Agency

Mission Support Bureau

Records Management Division

(b)(6)

@dhs.gov

From: (b)(6)
Sent: Wednesday, January 04, 2012 11:52 AM
To: Cook, Connie
Subject: FW: FEMA 10-393

From: FEMA-FOIA
Sent: Thursday, December 29, 2011 11:25 AM
To: (b)(6)
Cc: Robinson, Pearlene; (b)(6)
Subject: FW: FEMA 10-393

Good Morning,

Please make a note to contact the requester on Tuesday.

Thanks,

Dr. Anthony M. (Tony) Bennett
Chief, Disclosure Branch
Records Management Division
Federal Emergency Management Agency
US Department of Homeland Security

(b)(6) (office)

(blackberry)

From: Sam Begley [mailto:(b)(6)@bellsouth.net]
Sent: Tuesday, December 27, 2011 7:07 PM
To: FEMA FOIA
Subject: Re: FEMA 10-393

(b)(6) Please advise me on the status of this request. You may reach me at (b)(6)
Sam Begley

----- Original Message -----
From: FEMA-FOIA
To: Sam Begley
Sent: Tuesday, September 07, 2010 7:13 AM
Subject: RE: FEMA 10-393

Hello Mr. Begley,

When the Disclosure Branch issue out tasks to the program office for record search, we anticipate that they will be able to provide the documents within the deadline provided, however please be advised that under the FOIA we are required to process these requests on a first in and first out basis. There are numerous requests that the program office is retrieving documents for that were received prior to your request. The program office has advised our office that they are conducting a search and once we have additional information we will provide this to you.

Also, we conduct follow-up with the program office routinely and as soon as we have these documents we will provide you a status update.

Thank you,

(b)(6)

From: Sam Begley [mailto:(b)(6)@bellsouth.net]

Sent: Sunday, September 05, 2010 11:30 AM

To: FEMA-FOIA,

Subject: FEMA 10-393

I have not heard anything back from your agency regarding my FOIA request since receiving an acknowledgment letter from (b)(6) dated April 7, 2010.
I am inquiring about any update on your office's processing my request..

Sam Begley

FEMA FOIA OFFICE
Freedom of Information Act (FOIA) Suspense Tracker

FOIA Case No: FMA 10-293

Date: 02/25/2010

To: Wayne Rickard, Region VI, (b)(6)

Suspense Date (Information required in Disclosure Office): 03/11/2010

If you have any questions, please contact: (b)(6)

Attachment(s): SEE REQUEST

INSTRUCTIONS FROM DISCLOSURE OFFICE:

- ☒ Search your records for responsive documents. (If your search locates voluminous records, please contact us with estimated number of pages and time to process records within 5 working days. The FOIA Office will contact the requester to see if we can narrow the scope of the request).
- ☒ Request you review the document(s) for release to the requestor.
- ☒ Upon completion of your review, return this form, the document(s) (if applicable) along with the unsigned final response letter to the requester to: FEMA FOIA Office.
- ☒ Record the time spent reviewing/ coordinating on the request and the number of pages on the enclosed Processing Cost form.

COMMENTS FROM FEMA COMPONENT: (Check all that apply)

- ☐ Total release. Attach the document(s) that you are going to release to the requester.

(b)(5)

- ☐ Recommend withholding the entire document(s) under the following FOIA exemptions(s). Attach the document(s) to be withheld in its/their entirety.
- ☐ NO RECORDS - Our search failed to locate the responsive document(s). In order to fulfill a No Records please annotate below what and how you searched for responsive documents (i.e. database, hard files, etc.)
- ☐ We believe other FEMA office(s), DHS office(s) or other agencies should be involved in processing this request, recommend you contact:

The following statement must be signed by the appropriate Subject Matter Expert who processed FOIA. I certify that all appropriate files have been searched and all responsive documents have been reviewed, copied and provided to the FEMA FOIA Office.

Wayne H. Rickard Analyst
Wayne H. Rickard (Name/Title)

(b)(6)

5/28/10
(Date)

* Otherwise, same document provided by LRO —
(b)(6)

FEMA FOIA OFFICE
Freedom of Information Act (FOIA) Suspense Tracker

FOIA Case No: FEMA 10-393

Date: 04/06/2010

To: George Yearwood (Region VI) (b)(6)

Suspense Date (Information required in Disclosure Office): 04/20/2010

If you have any questions, please contact: (b)(6)

Attachment(s): SEE REQUEST

INSTRUCTIONS FROM DISCLOSURE OFFICE:

- ☒ Search your records for responsive documents. (If your search locates voluminous records, please contact us with estimated number of pages and time to process records within 5 working days. The FOIA Office will contact the requester to see if we can narrow the scope of the request).
- ☒ Request you review the document(s) for release to the requestor.
- ☒ Upon completion of your review, return this form, the document(s) (if applicable) along with the unsigned final response letter to the requester to: FEMA FOIA Office.
- ☒ Record the time spent reviewing/ coordinating on the request and the number of pages on the enclosed Processing Cost form.

COMMENTS FROM FEMA COMPONENT: (Check all that apply)

- ☐ Total release. Attach the document(s) that you are going to release to the requester.
- ☐ Recommend withholding information under FOIA exemption(s) _____. Attach document(s) with the information that is to be withheld bracketed and the appropriate FOIA exemption(s) placed in the adjacent margin(s).
- ☐ Recommend withholding the entire document(s) under the following FOIA exemption(s). Attach the document(s) to be withheld in its/their entirety.
- ☐ NO RECORDS -- Our search failed to locate the responsive document(s). In order to fulfill a No Records please annotate below what and how you searched for responsive documents (i.e. database, hard files, etc.)

(b)(5)

The following statement must be signed by the appropriate Subject Matter Expert who processed FOIA. I certify that all appropriate files have been searched and all responsive documents have been reviewed, copied and provided to the FEMA FOIA Office.

Annette R Wright

Annette R Wright, Contracting Officer

(Name/Title)

Phone #

04/07/2010

(Date)

(b)(6)

From: (b)(6)
Sent: Monday, April 26, 2010 7:47 AM
To: FEMA-FOIA
Subject: FEMA 10-393
Attachments: 10-393 request.pdf, FOIA Suspense Tracker.pdf, exemption sheet.pdf, Fee Schedule.pdf

Hello,

Due to the large volume of responsive documents, requesting a two-week extension to complete subject FOIA

Your consideration will be greatly appreciated.

Thanks,

(b)(6)

(b)(6)
Records Liaison Officer
Records Liaison Office
FEMA Mississippi Recovery Office
220 Popps Ferry Road
Biloxi, MS 39531

Desk: (b)(6)
Cell: (b)(6)
E-Mail: (b)(6)@dhs.gov

From: (b)(6)
Sent: Wednesday, April 21, 2010 7:01 AM
To: (b)(6)
Subject: FW: FEMA 10-393

Hello (b)(6)

Due to the large volume of responsive documents, the MSRO is requesting a two-week extension to review/complete this case.

Your consideration will be greatly appreciated.

(b)(6)

(b)(6)
Records Liaison Officer
Records Liaison Office
FEMA Mississippi Recovery Office
20 Popps Ferry Road

(b)(6)

From: Yearwood, George
Sent: Wednesday, April 07, 2010 5:36 PM
To: (b)(6)
Cc: (b)(6)
Subject: FW: FEMA 10-393
Attachments: 10-393 request pdf; FOIAResponse10-393.scan.04072010.pdf

Hello (b)(6)

Forwarded is the completed action in response to the FOIA Request 10-393. A copy of the signed FOIA Suspense Tracker Form is attached.

Yearwood

From: (b)(6)
Sent: Tuesday, April 06, 2010 9:34 AM
To: Yearwood, George; (b)(6)
Subject: FEMA 10-393

Good morning!

Attached is a FOIA request that we believe falls under your purview. Please review and provide me with a response, which includes any documents you have that are responsive to this request and the signed Suspense Tracker, no later than 04/20/2010.

Please note: If your component does not maintain responsive records regarding this FOIA request, please advise us as soon as possible. Also, please advise us if you know which component might have responsive documents.

If you have any questions or concerns, feel free to contact me at (b)(6)

Thank you for your assistance.

(b)(6)
Disclosure Branch
Office of Records Management
Management Directorate
(b)(6)

FOIA Case No: FEMA 10-393

Date: ~~04/06/2010~~

To: George Yearwood (Region VI) (b)(6)

Suspense Date (Information required in Disclosure Office): 04/20/2010

If you have any questions, please contact: (b)(6)

Attachment(s): SEE REQUEST

☒ Search your records for responsive documents. (If your search locates voluminous records, please contact us with estimated number of pages and time to process records within 5 working days. The FOIA Office will contact the requester to see if we can narrow the scope of the request).

☒ Request you review the document(s) for release to the requestor.

☒ Upon completion of your review, return this form, the document(s) (if applicable) along with the unsigned final response letter to the requester to: FEMA FOIA Office.

☒ Record the time spent reviewing/coordinating on the request and the number of pages on the enclosed Processing Cost form.

☐ Total release. **Attach the document(s) that you are going to release to the requester.**

Recommend withholding information under FOIA exemption(s) _____.
 Attach document(s) with the information that is to be withheld bracketed and the appropriate FOIA exemption(s) placed in the adjacent margin(s).

☐ Recommend withholding the entire document(s) under the following FOIA exemptions(s). Attach the document(s) to be withheld in its/their entirety.

☐ NO RECORDS – Our search failed to locate the responsive document(s). In order to fulfill a No Records request, please annotate below what and how you searched for responsive documents (i.e. database, hard files, etc.)

The following statement must be signed by the appropriate Subject Matter Expert who processed FOIA. I certify that all appropriate files have been searched and all responsive documents have been reviewed, copied and provided to the FEMA FOIA Office.

Annette R Wright, Contracting Officer

(Name/Title)

Phone #

04/07/2010

(Date)

(b)(6)

From: (b)(6)
Sent: Monday, April 26, 2010 7:47 AM
To: FEMA-FOIA
Subject: FEMA 10-393
Attachments: 10-393 request.pdf; FOIA Suspense Tracker.pdf; exemption sheet.pdf; Fee Schedule.pdf

Hello,

Due to the large volume of responsive documents, requesting a two-week extension to complete subject FOIA.

Your consideration will be greatly appreciated.

Thanks,

(b)(6)

(b)(6)

Records Liaison Officer
Records Liaison Office
FEMA Mississippi Recovery Office
220 Popps Ferry Road
Biloxi, MS 39531

(b)(6)

@dhs.gov

From: (b)(6)
Sent: Wednesday, April 21, 2010 7:01 AM
To: (b)(6)
Subject: FW: FEMA 10-393

Hello (b)(6),

Due to the large volume of responsive documents, the MSRO is requesting a two-week extension to review/complete this case.

Your consideration will be greatly appreciated.

(b)(6)

(b)(6)

Records Liaison Officer
Records Liaison Office
FEMA Mississippi Recovery Office
20 Popps Ferry Road

McGoogan, Rhonda

From: Yearwood, George
Sent: Wednesday, April 07, 2010 5:36 PM
To: (b)(6)
Cc: (b)(6)
Subject: FW: FEMA 10-393
Attachments: 10-393 request.pdf; FOIAResponse10-393.scan.04072010.pdf

Hello (b)(6)

Forwarded is the completed action in response to the FOIA Request 10-393. A copy of the signed FOIA Suspense Tracker Form is attached.

Yearwood

From: (b)(6)
Sent: Tuesday, April 06, 2010 9:34 AM
To: Yearwood, George; (b)(6)
Subject: FEMA 10-393

Good morning!

Attached is a FOIA request that we believe falls under your purview. Please review and provide me with a response, which includes any documents you have that are responsive to this request and the signed Suspense Tracker, no later than 04/20/2010.

Please note: If your component does not maintain responsive records regarding this FOIA request, please advise us as soon as possible. Also, please advise us if you know which component might have responsive documents.

If you have any questions or concerns, feel free to contact me at (b)(6).

Thank you for your assistance.

(b)(6)
Disclosure Branch
Office of Records Management
Management Directorate
(b)(6)

U.S. Department of Homeland Security
500 C Street, SW
Washington, DC 20472

FEMA



JAN 30 2010

Mr. Samuel L. Begley
Attorney at Law
Begley Law Firm, PLLC
P.O. Box 287
Jackson, Mississippi 39205

Re: FEMA 10-393 (First Interim Response)
Dear Mr. Begley:

This is the first interim response to your April 2, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). You requested all logs, emails, notes, memoranda, letters, files or other records concerning compliance related issues for Scott Construction (MS) and its contract with FEMA from June 1, 2006 through December 31, 2009. Your request was received in this office on April 2, 2010.

We conducted a comprehensive search of files within the Mississippi Transitional Recovery Office and Region 6 for records responsive to your request. We have reviewed a subset of the documents located during those searches for purposes of this first interim response. As a result of that review, we have determined that five hundred and twenty four (524) pages of the documents are releasable. Specifically, thirty three (33) pages of the records are releasable in their entirety, and four hundred and ninety one (491) are partially releasable pursuant to Title 5 U.S.C. § 552(b)(4) and (b)(6). Any redactions are accompanied by the corresponding FOIA exemptions.

FOIA Exemption 4 protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. The courts have held that this subsection protects (a) confidential information, the disclosure of which is likely to cause substantial harm to the competitive position of the person who submitted the information and (b) information that was voluntarily submitted to the government if it is the kind of information that the provider would not customarily make available to the public. I reviewed the responsive documents, the submitter's objections to release, and relevant case law, and I determined that portions are exempt from disclosure under subsection (b)(4) of the FOIA and must be withheld in order to protect the submitter's proprietary interests.

Mr. Samuel L. Begley
FEMA 10-393 (First Interim)

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because of the delay in responding to your request, we are waiving any fees associated with the processing of it.

Should you need to contact us about this request, you may contact this office at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov. Please reference the request identifier **FEMA 10-393**.

Sincerely,

Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: Responsive Document on CD (524 pages)

LeRoux

Sharon

(b)(6)

X

FEMA

(b)(6)

Dimos, John

From: Dimos, John
Sent: Friday, February 10, 2012 10:02 AM
To: Cook, Connie
Cc: (b)(6); Bennett, Anthony M; (b)(6)
Subject: RE: 10-393

OK, thanks Connie.

I will sign out the case from OCC and give back to Tony without clearing the case, and requesting that OCC receive both files so we can finish our review.

John

John Dimos
Attorney-Advisor
Information Law Branch
Federal Emergency Management Agency
Phone: (b)(6)
Blackberry: (b)(6)

This communication, along with any attachments, is covered by Federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

From: Cook, Connie
Sent: Friday, February 10, 2012 9:28 AM
To: Dimos, John
Cc: (b)(6); Bennett, Anthony M
Subject: FW: 10-393

John,

As a part of our re-org, all folders were surrendered yesterday to Tony Bennett for redistribution on Monday.

I can follow up on this next week.

Thanks.

Connie
Connie R. Cook
Department of Homeland Security
Federal Emergency Management Agency
Mission Support Bureau
Records Management Division
(b)(6)
(b)(6)@dhs.gov

I am reviewing this final response for 10-393; can I get the paper folder for the first interim? I want to see the signed suspense trackers and if a submitter's notice was sent out.

I'm not sure who (b)(6) is and she is not on the phone list I have from (b)(6)

Thanks, John

John Dimos
Attorney-Advisor
Office of Chief Counsel
Federal Emergency Management Agency (FEMA)
1800 South Bell Street, (b)(6)
Arlington, VA 20598-3005
Phone: (b)(6)
Blackberry: (b)(6)

This communication, along with any attachments, is covered by Federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

10/10/10

... the policy of FEMA to make its records available to private litigants to the same extent and in the same manner as such records are made available to members of the general public, except where protected from disclosure by litigation procedural authority (e.g., Federal Rules of Civil Procedure) or other applicable law.

44 C.F.R. § 5.81(c), ALE.

It is FEMA's policy and responsibility to preserve its human resources for performance of the public functions of the Agency and to maintain strict neutrality with respect to private litigation. Participation by FEMA employees in private litigation in their official capacities is prohibited, contrary to this policy.

The regulation concerning production of documents in private litigation is found at 44 C.F.R. § 5.84, which provide in pertinent part:

The production of records held by FEMA in response to a subpoena duces tecum or other demand issued pursuant to private litigation... is prohibited absent authorization by the General Counsel...

The regulation concerning testimony of FEMA employees in private litigation is found at 44 C.F.R. § 5.87, which provide in pertinent part:

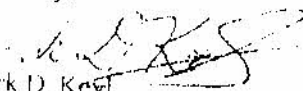
No FEMA employee shall testify in response to a subpoena or other demand in private litigation as to any information relating to material contained in the files of the Agency, or any information acquired as part of the performance of that person's official duties or because of that person's special status...

Please be advised that pursuant to the aforementioned regulations, FEMA is not compelled to comply with the subpoenas when issued. However, pursuant to 44 C.F.R. § 5.89, you may request a waiver from our office, in writing, which serves to request FEMA's waiver of any policy or procedure of the Touhy regulations, if considered necessary to promote a significant interest of the Agency or for other good cause. Since FEMA is not a party to this litigation, and there are associated costs which may burden the Agency, the waiver is necessary to evidence the significant interests of FEMA or other good cause.

For all of the above reasons, please submit a written waiver request in lieu of issuing the subpoenas. Please submit the waiver request within fifteen days of receipt of this letter.

Please feel free to contact me at (b)(6) or by facsimile at (228) 385-7877, if you have any questions or need additional information. Thank you for your cooperation concerning this matter.

Sincerely,


Mark D. Key
Attorney
FEMA Office of Chief Counsel

cc. FEMA HQ OCC

INTERNAL ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)

	Initials	Date Rcvd	Date Cleared
1. :Administrative Specialist			
2. Monique Kasper-Booker: Disclosure Branch Chief			
3. (b)(6)			
4. (b)(6)		9/27/12	10/5/12
5. Alecia Sillah : Team Lead		10/3/12	10/4/2012
6. : OCC		10/5/12	
7. : EA (for media, high visibility, Congressional & other external affairs issues)			
8. Monique Kasper-Booker: Disclosure Branch Chief			
Action	File	Note and Return	
Approval	For Review	Per Conversation	
As Requested	For Correction	Prepare Reply	
Circulate	For Your Info	Comment	
Concurrence	Investigate	Signature	
Coordination	Justify	Other (Note below)	

Case #: 10-409

(b)(5)

another tracker
sent to OCFO 11/28

FROM: (Name, org. symbol, Agency/Post)

(b)(6)

05-0682



FEMA

MEMORANDUM FOR: Marqui Barnes
FOIA Admin. Team Lead

FROM: (b)(6)
Management Analyst

SUBJECT: Status of (FEMA FOIA Request 10-409)

Regarding FEMA FOIA Request 10-409, there was a note on the file to send another tracker to OCFO. This was sent on November 28th.

(b)(6)

From: FEMA-FOIA
Sent: Monday, April 12, 2010 9:29 AM
To: (b)(6)
Cc: (b)(6)
Subject: FW: OPEN-GOVERNMENT REQUEST

From: (b)(6)@gmail.com [mailto:(b)(6)@gmail.com] On Behalf Of G.W. Schulz
Sent: Thursday, April 08, 2010 5:16 PM
To: FEMA-FOIA,
Cc: FEMA-News-Desk,
Subject: OPEN-GOVERNMENT REQUEST

G.W. Schulz
Center for Investigative Reporting
3816 South Lamar Boulevard #3724
Austin, Texas 78704
Desk: (b)(6)
Fax: 678-806-4386
E-mail: (b)(6)@cironline.org
4/8/2010

FOIA division
Federal Emergency Management Agency
Department of Homeland Security
Phone: 202-646-3323
E-mail: fema-foia@dhs.gov
CC: fema-news-desk@dhs.gov

FOIA REQUEST**Fee benefit requested**

Dear FOI Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. 552, I request access to and copies of the following documents held by your agency:
During March of 2009, the Department of Homeland Security's inspector general stated that there were 52 total grant programs administered by the Federal Emergency Management Agency, including but not limited to the State Homeland Security Program, the Urban Areas Security Initiative, the Metropolitan Medical Response System, the Port Security Grant Program and the Transit Security Grant Program.
The inspector general's report explains that FEMA has several management and oversight responsibilities with respect to these grants but one of them specifically is FEMA's obligation to conduct on-site reviews, which are also sometimes called site monitoring, monitoring visits and on-site visits. According to the report: FEMA's financial monitoring goal is to visit all grantees at least once during the life cycle of the grant, which, depending on the program, could last several years.
I'm aware that there is a difference between a grantee and a subgrantee, and FEMA's monitoring activities MAY only cover grantees, such as but not limited to a homeland security grants state administrative agent. I'm also aware that site reviews are conducted to meet both FEMA's financial monitoring and program monitoring obligations.
In general, my understanding is that on-site visits or reviews involve federal personnel (or possibly contractors) visiting the beneficiaries of grants administered by FEMA in person to among other things inspect equipment

purchased with federal funds, review documentation needed to verify expenditures and determine if a state or urban area is achieving its goals and objectives, making progress toward investments and accomplishing national priorities.

I am seeking any and all subsequent reports generated as part of carrying out this required activity, including but not limited to reports stemming from a pilot program of monitoring visits being conducted for recipients of the Port Security Grant Program and the Transit Security Grant Program, as disclosed on page 17 of the Department of Homeland Security's Annual Financial Report for the 2009 fiscal year. This request should also include but not be limited to documents showing how grantees responded to on-site or monitoring visits, such as correspondence outlining steps to resolve possible findings.

I would like to receive all of the materials responsive to this request in electronic format.

As a representative of the news media I am only required to pay for the direct cost of duplication after the first 100 pages. Through this request, I am gathering information on the Department of Homeland Security's oversight of grant-related expenditures, which is of current interest to the public because the money allocated for these initiatives amounts to significant sums of taxpayer money and should, as promised, be spent in a fashion that maximizes the benefit to the American people.

This information is being sought on behalf of the Center for Investigative Reporting based in California for dissemination to the general public. I work for the center from Austin, Texas.

If your office does not choose to grant my request for a fee waiver, I agree to pay reasonable duplication fees for the processing of this request in an amount not to exceed \$25. However, please notify me prior to your incurring any expenses in excess of that amount.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Sincerely,

G.W. Schulz

U.S. Department of Homeland Security
500 C Street, SW
Washington, DC 20472



FEMA

G.W. Schulz
Center for Investigative Reporting
3816 South Lamar Blvd # 3724
Austin, TX 78704
(b)(6) @cironline.org

APR 13 2010

Re: FEMA 10-409

Dear Mr. Schulz:

This acknowledges receipt of your April 12, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). You are seeking any and all subsequent reports generated as part of carrying out required activity, including but not limited to reports stemming from a pilot program monitoring visits being conducted for recipients of the Port Security Grant Program and the Transit Security Grant Program, as disclosed on page 17 of the Department of Homeland Security's Annual Financial Report for the 2009 fiscal year. Your request was received in this office on April 12, 2010.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS interim FOIA regulations as they apply to media requestors. As a media requestor you will be charged 10-cents a page for duplication, although the first 100 pages are free. We will construe the submission of your request as an agreement to pay up to \$25.00. You will be contacted before any further fees are accrued.

We have queried the appropriate component of FEMA for responsive records. If any responsive records are located, they will be reviewed to determine if they are releasable. We appreciate your patience as we proceed with your request.

More information concerning the FOIA and implementing DHS regulations is available on-line at: www.dhs.gov/xfoia/editorial_0318.shtm.

Your request has been assigned reference number **FEMA 10-409**. Please refer to this identifier in any future correspondence. You may contact this office at 202-646-3323 or by e-mail at FEMA-FOIA@dhs.gov.

Sincerely,

(b)(6)

Senior FOIA Specialist
Disclosure Branch
Records Management Division

(b)(6)

From: FEMA-FOIA
Sent: Monday, November 21, 2011 8:19 AM
To: (b)(6)
Cc: Booker-Kasper, Monique
Subject: FW: Continued Interest Letter

Good morning (b)(6)

I am forwarding you this email from the FOIA inbox

(b)(6)

From: George Schulz [mailto:(b)(6)@cironline.org]
Sent: Friday, November 18, 2011 3:15 PM
To: FEMA-FOIA
Subject: Re: Continued Interest Letter

I AM STILL INTERESTED IN FEMA FOIA REQUEST # 10-409. PLEASE DO NOT CLOSE IT. Thank you.
-G.W. Schulz

On Fri, Nov 18, 2011 at 1:51 PM, FEMA-FOIA <FEMA-FOIA@fema.dhs.gov> wrote:

Dear Mr. G. W. Schulz:

The attached confirms your continued interest in FOIA request, FEMA 10-409. If you have any questions regarding this matter or need to contact our office, please call (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov and refer to **FEMA 10-409**.

Thank you,

The FEMA Disclosure Branch

--

G.W. Schulz
Center for Investigative Reporting
3816 South Lamar Boulevard #3724
Austin, Texas 78704
Desk: (b)(6)
Fax: 678-806-4386
E-mail: (b)(6)@cironline.org
About.Me/ (b)(6)
Twitter: (b)(6)
Tumblr: (b)(6)
Web: Cironline.org

--

Main office
2130 Center Street
Suite 103
Berkeley, California 94704
Phone: 510-809-3160
Fax: 510-849-1813
E-mail: center@cironline.org

FEMA FOIA OFFICE
Freedom of Information Act (FOIA) Suspense Tracker

FOIA Case No: FEMA 10-409

Date: 04/13/2010

To: Jennifer Robinson (Grant Program Directorate) Cherre Price (CFO)

Suspense Date (Information required in Disclosure Office): _____

If you have any questions, please contact: (b)(6)

Attachment(s): SEE REQUEST

INSTRUCTIONS FROM DISCLOSURE OFFICE:

- ☒ Search your records for responsive documents. (If your search locates voluminous records, please contact us with estimated number of pages and time to process records within 5 working days. The FOIA Office will contact the requester to see if we can narrow the scope of the request).
- ☒ Request you review the document(s) for release to the requestor.
- ☒ Upon completion of your review, return this form, the document(s) (if applicable) along with the unsigned final response letter to the requester to: FEMA FOIA Office.
- ☒ Record the time spent reviewing/coordinating on the request and the number of pages on the enclosed Processing Cost form.

COMMENTS FROM FEMA COMPONENT: (Check all that apply)

- ☐ Total release. Attach the document(s) that you are going to release to the requester.

(b)(5)

- ☐ Recommend withholding the entire document(s) under the following FOIA exemptions(s). Attach the document(s) to be withheld in its/their entirety.
- ☐ NO RECORDS - Our search failed to locate the responsive document(s). In order to fulfill a No Records please annotate below what and how you searched for responsive documents(i.e. database, hard files, etc.)
- ☐ We believe other FEMA officer(s), DHS officer(s), or other agencies should be involved in processing this request, recommend you contact: _____

The following statement must be signed by the appropriate Subject Matter Expert who processed FOIA. I certify that all appropriate files have been searched and all responsive documents have been reviewed, copied and provided to the FEMA FOIA Office.

Carolyn E. [Signature] Branch Chief

(Name/Title)

Phone #

(b)(6)

(Date)

3/10/11

(b)(6)

From:

Sent:

To:

Subject:

Attachments:

(b)(6)

Tuesday, April 13, 2010 8:08 AM

Robinson, Jennifer; Price, Cherre

FEMA 10-409

10-409 request.pdf; FOIA Suspense Tracker.pdf; exemption sheet.pdf; Fee Schedule (2).pdf

Good morning!

Attached is a FOIA request that we believe falls under your purview. Please review and provide me with a response, which includes any documents you have that are responsive to this request and the signed Suspense Tracker, no later than 04/27/2010.

Please note: If your component does not maintain responsive records regarding this FOIA request, please advise us as soon as possible. Also, please advise us if you know which component might have responsive documents.

If you have any questions or concerns, feel free to contact me at (b)(6)

Thank you for your assistance.

(b)(6)

Disclosure Branch
Office of Records Management
Management Directorate

(b)(6)

NOV 18 2011



FEMA

SENT VIA EMAIL TO: GWSCHULZ@CIRONLINE.ORG

Mr. G. W. Schulz
Center for Investigative Reporting
3816 South Lamar Blvd #3724
Austin, TX 78704

Re: **FEMA 10-409**

Dear Mr. Schulz:

This letter is to confirm your continued interest in your Freedom of Information Act (FOIA) request, dated April 12, 2010 to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). Your request was received in this office on April 12, 2010.

Please be advised that, due to a recent reorganization, which resulted in staff reductions, we have experienced significant delays in processing request. If you are interested in continuing the processing of this request, you must indicate your continued interest in pursuing your request within 10 days from the date of this letter, or we will assume you are no longer interested in this FOIA request, and it will be administratively closed.

We sincerely apologize for the delay and any inconvenience it may have caused. However, we are making earnest and diligent efforts to reduce our backlog of cases and to improve upon our efficiencies and customer service.

If you are interested in pursuing your request, please contact this office at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov. Please reference the request identifier **FEMA 10-409** in your communications with this office

Sincerely,

Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure A copy of your request

Pearl

From: Robinson, Jennifer
Sent: Thursday, March 10, 2011 11:12 AM
To: Robinson, Pearlene
Subject: Fw: FOIA Request 10-409

I sent the CD yesterday here is the tracker.
Jennifer Robinson

From: Teofilo, Erica
To: Robinson, Jennifer
Cc: Dunn, Carolyn
Sent: Thu Mar 10 10:54:23 2011
Subject: FOIA Request 10-409

Good Morning,

Please find the attached signed tracker for FOIA request 10-409

Erica Teofilo

Grant Operations PMO
GPD / PNP / FEMA / DHS

(b)(6)

From: Robinson, Jennifer
Sent: Tuesday, February 22, 2011 3:59 PM
To: Robinson, Pearlene
Cc: (b)(6)
Subject: FOIA Request

Good Afternoon,

I have been discussing with some of the PA here and they would like to know the following information:

(b)(5)

Jennifer Robinson
Program and Management Analyst
DHS - FEMA
Grants Program Directorate
(b)(6)
Fax: 202-786-9932

(b)(5)

— # rpts
— ~~How~~ Avg # pg/rpt
— est on time to collect

interim releases



FEMA

Mr. G.W. Schulz
Center for Investigative Reporting
3816 South Lamar Blvd, #3724
Austin, Texas 78704
(b)(6) @cironline.org

Re: **FEMA 10-409**

Dear Mr. Schulz:

This is in final response to your April 8, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). You are seeking any and all reports generated as part of FEMA on-site reviews of grantees, including but not limited to reports stemming from a pilot program monitoring visits being conducted for recipients of the Port Security Grant Program and the Transit Security Grant Program, as disclosed on page 17 of the Department of Homeland Security's Annual Financial Report for the 2009 fiscal year. Your request was received in this office on April 12, 2010.

We have considered your request under the Freedom of Information Act, 5 U.S.C. § 552. We conducted a search of FEMA's Grant Program Directorate (GPD) for responsive documents. This search produced a total of 478 pages. Of those pages, 469 are releasable in their entirety, and nine pages are partially releasable, pursuant to Title 5 U.S.C. § 552 (b)(6).

We have enclosed a copy of the documents to be released in response to your request. Any redactions are accompanied by the corresponding FOIA exemptions:

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Mr. G. W. Schulz
FEMA 10-409

Page 2

Provisions of the FOIA allow us to recover part of the cost of complying with your request. As a courtesy, FEMA will not charge the fees incurred in the processing of this request.

If you need to contact our office again about this matter, please refer to **FEMA 10-409**. This office can be reached at (202) 646-3323 or by e-mail at FEMA-FOIA@dhs.gov.

Sincerely,

Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure(s): Responsive Document, CD-ROM containing 478 pages

FEMA FOIA OFFICE

FOIA Case No: 10-409

Date: ~~Nov 28, 2012~~

To: OCFO - Cherre Price

Suspense Date (Information required in Disclosure Office): Dec 6, 2012

If you have any questions, please contact:

Attachment(s): SEE REQUEST

INSTRUCTIONS FROM DISCLOSURE OFFICE:

- ☒ Search your records for responsive documents. (If your search locates voluminous records, please contact us with estimated number of pages and time to process records within 5 working days. The FOIA Office will contact the requester to see if we can narrow the scope of the request).
- ☒ Request you review the document(s) for release to the requestor.
- ☒ Upon completion of your review, return this form, the document(s) (if applicable) along with the unsigned final response letter to the requester to: FEMA FOIA Office.
- ☒ Record the time spent reviewing/coordinating on the request and the number of pages on the enclosed Processing Cost form.

COMMENTS FROM FEMA COMPONENT: (Check all that apply)

- ☐ Total release. **Attach the document(s) that you are going to release to the requester.**
- ☐ Recommend withholding information under FOIA exemption(s) _____. **Attach document(s) with the information that is to be withheld bracketed and the appropriate FOIA exemption(s) placed in the adjacent margin(s).**
- ☐ Recommend withholding the entire document(s) under the following FOIA exemptions(s). **Attach the document(s) to be withheld in its/their entirety.**
- ☐ NO RECORDS - Our search failed to locate the responsive document(s). In order to fulfill a No Records request, please annotate below what and how you searched for responsive documents (i.e. database, hard files, etc.)
- ☐ We believe other FEMA officer(s), DHS officer(s), or other agencies should be involved in processing this request; recommend you contact _____.

The following statement must be signed by the appropriate Subject Matter Expert who processed FOIA. I certify that all appropriate files have been searched and all responsive documents have been reviewed, copied and provided to the FEMA FOIA Office.

(Name/Title)

Phone #

(Date)

(b)(6)

From: (b)(6)
Sent: Wednesday, November 28, 2012 3:24 PM
To: Price, Cherre
Subject: FEMA FOIA Request 10-409 (OCFO)
Attachments: 10-409 request.pdf; Suspense Tracker - 10-409 - OCFO - 28Nov12.pdf

Good afternoon –

This case has recently been given to me and it is quite old. We have a note in the file stating that we need a signed suspense tracker from OCFO. To be quite honest, I don't know where we are on this one and do not even know if you were the POC when this was first submitted. Well at any rate, please take a look. The request and suspense tracker are attached. Thanks!

(b)(6)

Management Analyst
Disclosure Branch/Records Management Division
Mission Support Bureau
Federal Emergency Management Agency
Direct: (b)(6)
Blackberry: (b)(6)
Email: (b)(6)@fema.dhs.gov

FEMA FOIA OFFICE
Freedom of Information Act (FOIA) Suspense Tracker

FOIA Case No: FEMA 10-409

Date: 04/13/2010

To: Jennifer Robinson (Grant Program Directorate) Cherre Price (CFO)

Suspense Date (Information required in Disclosure Office): _____

If you have any questions, please contact: _____

(b)(6)

Attachment(s): SEE REQUEST

INSTRUCTIONS FROM DISCLOSURE OFFICE:

- ☒ Search your records for responsive documents. (If your search locates voluminous records, please contact us with estimated number of pages and time to process records within 5 working days. The FOIA Office will contact the requester to see if we can narrow the scope of the request).
- ☒ Request you review the document(s) for release to the requestor.
- ☒ Upon completion of your review, return this form, the document(s) (if applicable) along with the unsigned final response letter to the requester to: FEMA FOIA Office.
- ☒ Record the time spent reviewing/coordinating on the request and the number of pages on the enclosed Processing Cost form.

COMMENTS FROM FEMA COMPONENT: (Check all that apply)

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(b)(5)

- ☐ Recommend withholding the entire document(s) under the following FOIA exemptions(s). Attach the document(s) to be withheld in its/their entirety.
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- ☐ We believe other FEMA office(s), DHS office(s), or other agencies should be involved in processing this request, recommend you contact: _____

The following statement must be signed by the appropriate Subject Matter Expert who processed FOIA. I certify that all appropriate files have been searched and all responsive documents have been reviewed, copied and provided to the FEMA FOIA Office.

Carolyn Dean Branch Chief
(Name/Title)

Phone # _____

(b)(6)

(Date)

3/10/11

From: Robinson, Pearlene
Sent: Friday, March 11, 2011 7:53 AM
To: (b)(6)
Subject: FW: FOIA Request 10-409
Attachments: Scan001.pdf

Good morning (b)(6)

This is for you.

Pearl

From: Robinson, Jennifer
Sent: Thursday, March 10, 2011 11:12 AM
To: Robinson, Pearlene
Subject: Fw: FOIA Request 10-409

I sent the CD yesterday here is the tracker.
Jennifer Robinson

From: Teofilo, Erica
To: Robinson, Jennifer
Cc: Dunn, Carolyn
Sent: Thu Mar 10 10:54:23 2011
Subject: FOIA Request 10-409

Good Morning,

Please find the attached signed tracker for FOIA request 10-409

(b)(5)

Erica Teofilo

Grant Operations PMO
GPD / PNP / FEMA / DHS
Office (b)(6)

(b)(6) etefilo@hhs.gov

(b)(6)

From: Robinson, Jennifer
Sent: Tuesday, February 22, 2011 3:59 PM
To: Robinson, Jennifer
Cc: (b)(6)
Subject: FOIA Request

Good Afternoon,

(b)(5)

Jennifer Robinson
Program and Management Analyst
DHS - FEMA
Grants Program Directorate
Office: (b)(6)
Fax: 202-786-9932

(b)(5)

— # rpts
— ~~How~~ Avg # pg/rpt
— est on time to collect

Interim releases

(b)(6)

From: (b)(6)
Sent: Tuesday, April 13, 2010 8:08 AM
To: Robinson, Jennifer; Price, Cherre
Subject: FEMA 10-409
Attachments: 10-409 request.pdf; FOIA Suspense Tracker.pdf; exemption sheet.pdf; Fee Schedule (2).pdf

Good morning!

Attached is a FOIA request that we believe falls under your purview. Please review and provide me with a response, which includes any documents you have that are responsive to this request and the signed Suspense Tracker, no later than 04/27/2010.

Please note: If your component does not maintain responsive records regarding this FOIA request, please advise us as soon as possible. Also, please advise us if you know which component might have responsive documents.

If you have any questions or concerns, feel free to contact me at (b)(6)

Thank you for your assistance.

(b)(6)
Disclosure Branch
Office of Records Management
Management Directorate
Tel: (b)(6)

(b)(6)

From: FEMA-FOIA
 Sent: Monday, April 12, 2010 9:29 AM
 To: (b)(6)
 Cc: (b)(6)
 Subject: FW: OPEN-GOVERNMENT REQUEST

From: (b)(6)@gmail.com [mailto:(b)(6)@gmail.com] On Behalf Of G.W. Schulz
 Sent: Thursday, April 08, 2010 5:16 PM
 To: FEMA-FOIA,
 Cc: FEMA-News-Desk,
 Subject: OPEN-GOVERNMENT REQUEST

G.W. Schulz
 Center for Investigative Reporting
 3816 South Lamar Boulevard #3724
 Austin, Texas 78704
 Desk: (b)(6)
 Fax: 678-806-4386
 E-mail: (b)(6)@cironline.org
 4/8/2010

FOIA division
 Federal Emergency Management Agency
 Department of Homeland Security
 Phone: 202-646-3323
 E-mail: fema-foia@dhs.gov
 CC: fema-news-desk@dhs.gov

FOIA REQUEST

Fee benefit requested

Dear FOI Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. 552, I request access to and copies of the following documents held by your agency:

During March of 2009, the Department of Homeland Security's inspector general stated that there were 52 total grant programs administered by the Federal Emergency Management Agency, including but not limited to the State Homeland Security Program, the Urban Areas Security Initiative, the Metropolitan Medical Response System, the Port Security Grant Program and the Transit Security Grant Program.

The inspector general's report explains that FEMA has several management and oversight responsibilities with respect to these grants, but one of them specifically is FEMA's obligation to conduct on-site reviews, which are also sometimes called site monitoring, monitoring visits and on-site visits. According to the report: FEMA's financial monitoring goal is to visit all grantees at least once during the life cycle of the grant, which, depending on the program, could last several years.

I'm aware that there is a difference between a grantee and a subgrantee, and FEMA's monitoring activities MAY only cover grantees, such as but not limited to a homeland security grants state administrative agent. I'm also aware that site reviews are conducted to meet both FEMA's financial monitoring and program monitoring obligations.

In general, my understanding is that on-site visits or reviews involve federal personnel (or possibly contractors) visiting the beneficiaries of grants administered by FEMA in person to among other things inspect equipment

purchased with federal funds, review documentation needed to verify expenditures and determine if a state or urban area is achieving its goals and objectives, making progress toward investments and accomplishing national priorities.

I am seeking any and all subsequent reports generated as part of carrying out this required activity, including but not limited to reports stemming from a pilot program of monitoring visits being conducted for recipients of the Port Security Grant Program and the Transit Security Grant Program, as disclosed on page 17 of the Department of Homeland Security's Annual Financial Report for the 2009 fiscal year. This request should also include but not be limited to documents showing how grantees responded to on-site or monitoring visits, such as correspondence outlining steps to resolve possible findings.

I would like to receive all of the materials responsive to this request in electronic format.

As a representative of the news media I am only required to pay for the direct cost of duplication after the first 100 pages. Through this request, I am gathering information on the Department of Homeland Security's oversight of grant-related expenditures, which is of current interest to the public because the money allocated for these initiatives amounts to significant sums of taxpayer money and should, as promised, be spent in a fashion that maximizes the benefit to the American people.

This information is being sought on behalf of the Center for Investigative Reporting based in California for dissemination to the general public. I work for the center from Austin, Texas.

If your office does not choose to grant my request for a fee waiver, I agree to pay reasonable duplication fees for the processing of this request in an amount not to exceed \$25. However, please notify me prior to your incurring any expenses in excess of that amount.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Sincerely,

G.W. Schulz



FEMA

G.W. Schulz
Center for Investigative Reporting
3816 South Lamar Blvd # 3724
Austin, TX 78704
(b)(6) @cironline.org

APR 13 2010

Re: FEMA 10-409

Dear Mr. Schulz:

This acknowledges receipt of your April 12, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). You are seeking any and all subsequent reports generated as part of carrying out required activity, including but not limited to reports stemming from a pilot program monitoring visits being conducted for recipients of the Port Security Grant Program and the Transit Security Grant Program, as disclosed on page 17 of the Department of Homeland Security's Annual Financial Report for the 2009 fiscal year. Your request was received in this office on April 12, 2010.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS interim FOIA regulations as they apply to media requestors. As a media requestor you will be charged 10-cents a page for duplication, although the first 100 pages are free. We will construe the submission of your request as an agreement to pay up to \$25.00. You will be contacted before any further fees are accrued.

We have queried the appropriate component of FEMA for responsive records. If any responsive records are located, they will be reviewed to determine if they are releasable. We appreciate your patience as we proceed with your request.

More information concerning the FOIA and implementing DHS regulations is available on-line at: www.dhs.gov/xfoia/editorial_0318.shtm.

Your request has been assigned reference number **FEMA 10-409**. Please refer to this identifier in any future correspondence. You may contact this office at 202-646-3323 or by e-mail at FEMA-FOIA@dhs.gov.

Sincerely,

(b)(6)

Senior FOIA Specialist
Disclosure Branch
Records Management Division

NOV 18 2011



FEMA

SENT VIA EMAIL TO: (b)(6) @CIRONLINE.ORG

Mr. G. W. Schulz
Center for Investigative Reporting
3816 South Lamar Blvd #3724
Austin, TX 78704

Re: FEMA 10-409

Dear Mr. Schulz:

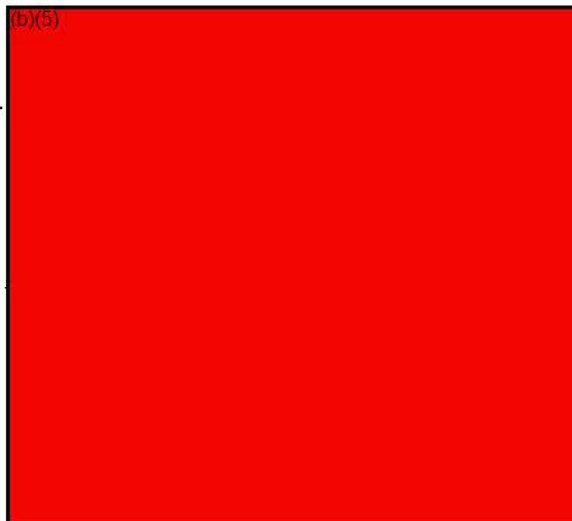
This letter is to confirm your continued interest in your Freedom of Information Act (FOIA) request, dated April 12, 2010 to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). Your request was received in this office on April 12, 2010.

Please be advised that, due to a recent reorganization, which resulted in staff reductions, we have experienced significant delays in processing request. If you are interested in continuing the processing of this request, you must indicate your continued interest in pursuing your request within 10 days from the date of this letter, or we will assume you are no longer interested in this FOIA request, and it will be administratively closed.

We sincerely apologize for the delay and any inconvenience it may have caused. However, we are making earnest and diligent efforts to reduce our backlog of cases and to improve upon our efficiencies and customer service.

If you are interested in pursuing your request, please contact this office at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov. Please reference the request identifier **FEMA 10-409** in your communications with this office.

Enclosure. A copy of your request



(b)(6)

From: FEMA-FOIA
Sent: Monday, November 21, 2011 8:19 AM
To: (b)(6)
Cc: Booker-Kasper, Monique
Subject: FW: Continued Interest Letter

Good morning (b)(6)

I am forwarding you this email from the FOIA inbox

(b)(6)

From: George Schulz [mailto:(b)(6)@cironline.org]
Sent: Friday, November 18, 2011 3:15 PM
To: FEMA-FOIA
Subject: Re: Continued Interest Letter

I AM STILL INTERESTED IN FEMA FOIA REQUEST # 10-409. PLEASE DO NOT CLOSE IT. Thank you.
-G.W. Schulz

On Fri, Nov 18, 2011 at 1:51 PM, FEMA-FOIA <FEMA-FOIA@fema.dhs.gov> wrote:

Dear Mr. G. W. Schulz:

The attached confirms your continued interest in FOIA request, FEMA 10-409. If you have any questions regarding this matter or need to contact our office, please call (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov and refer to **FEMA 10-409**.

Thank you.

The FEMA Disclosure Branch

--
G.W. Schulz
Center for Investigative Reporting
3816 South Lamar Boulevard #3724
Austin, Texas 78704
Desk: 512-382-5969
Fax: 678-806-4386
E-mail: gwschulz@cironline.org
About.Me/GWSchulz
Twitter: @GWSchulzCIR
Tumblr: ageofperil.tumblr.com
Web: Cironline.org

--
Main office
2130 Center Street
Suite 103
Berkeley, California 94704
Phone: 510-809-3160
Fax: 510-849-1813
E-mail: center@cironline.org

WILLKIE FARR & GALLAGHER LLP

THOMAS H. GOLDEN
212 728 8657
(b)(6)@willkie.com

787 Seventh Avenue
New York, NY 10019-6099
Tel: 212 728 8000
Fax: 212 728 8111

FREEDOM OF INFORMATION ACT APPEAL

July 6, 2010

VIA FEDERAL EXPRESS

Headquarters FOIA Officer
Federal Emergency Management Agency
500 C Street, S.W. Room 840
Washington, DC 20472

Re: Appeal of Constructive Denial of Freedom of Information Act Request
FEMA 10-437

Dear Sir or Madam:

This firm represents Bloomberg L.P. ("Bloomberg") and its reporter Justin Blum in connection with their above-referenced Freedom of Information Act ("FOIA") request to the Federal Emergency Management Agency ("FEMA"). I am writing to appeal the failure of FEMA to respond to the request.

I. The Request

On April 26, 2010, Bloomberg reporter Justin Blum submitted a FOIA request to FEMA seeking access to or copies of documents related to the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act (the "Request"). A copy of the Request is annexed hereto as Exhibit 1.

On April 28, 2010, FEMA acknowledged receipt of the Request, and stated that it had "queried the appropriate component of FEMA for responsive records," and would review those records when they became available.

Mr. Blum made numerous attempts to follow up with FEMA during May and June. On June 24, 2010, Mr. Blum received a call from an individual named (b)(6) who identified himself as a contractor for FEMA. Mr. (b)(6) stated that when he followed up with FEMA's program officer regarding Mr. Blum's Request, the program officer explained that she and her partner each thought the other was working on Mr. Blum's request, and only recently discovered that in fact neither had begun the search

DECEIVED

for responsive records. Mr. (b)(6) stated that he instructed the program officer to expedite the Request. However, on June 30, 2010, Mr. (b)(6) stated that he still had not received responsive documents from the program office.

It is now over two months since Mr. Blum submitted his Request to FEMA, and FEMA has not produced any records responsive to the Request, nor has it set forth a basis for withholding responsive records. Indeed, it is possible that FEMA has failed to even begin the search for responsive records.

2. **FEMA's Failure to Respond to the Request Within The Time Period Required by the FOIA Constitutes A Constructive Denial of the Request**

The FOIA requires an agency to respond to a request for records within 20 business days.¹ Therefore, FEMA's response to Mr. Blum's Request was due on or about Monday, May 24, 2010. To the extent that FEMA's statement that it was consulting with "the appropriate component of FEMA" was intended to constitute an invocation of FOIA's 10-day extension of time to respond where there is a need to consult with "two or more components of [an] agency having substantial subject-matter interest," in a request, FEMA was nevertheless required to respond to the Request by June 8, 2010.²

FEMA's failure to respond to Mr. Blum's Request within the time period required by the FOIA serves as a constructive denial of the Request and Bloomberg is deemed to have exhausted its administrative remedies.³

FEMA has not asserted that "extraordinary circumstances" exist to justify its refusal to respond to the Request within the time period required by the FOIA. FEMA has not stated, for example, that it has been "deluged with a volume of requests for information vastly in excess of that anticipated by Congress" or given any other reason for its delay in processing the Request.⁴ Moreover, FEMA's failure to even begin searching for responsive records until the end of June, at a minimum, suggests a lack of diligence on the part of the agency.⁵

Bloomberg respectfully requests that FEMA be mindful of the Attorney General's admonition that "[o]pen government requires agencies to work proactively and respond to requests promptly . . . When information not previously disclosed is requested, agencies should make it a priority to respond in a

¹ 5 U.S.C. § 552(a)(6)(A)(i).

² 5 U.S.C. § 552(a)(6)(B)(iii)(III).

³ 5 U.S.C. § 552(a)(6)(C)(i).

⁴ *Gov't Accountability Project v. U.S. Dep't of HHS*, 568 F. Supp. 2d 55, 58 (D.D.C. 2008) (citing *Open America v. Watergate Special Prosecution Force*, 547 F.2d 605, 616 (D.C. Cir. 1976)).

⁵ *Bloomberg v. FDA*, 500 F. Supp. 2d 371, 375-76 (S.D.N.Y. 2007) (finding "the FDA's refusal to provide Bloomberg with [] easily produced Supplemental FDA Inquiries that clearly constitute 'government activity' to suggest[ive] . . . of either an uncooperative stance or a lack of due diligence in this case on the part of the agency).

Federal Emergency Management Agency

July 6, 2010

Page 3

timely manner. Timely disclosure of information is an essential component of transparency. Long delays should not be viewed as an inevitable and insurmountable consequence of high demand."⁶

If we can assist FEMA in responding to the Request, we would be happy to do so. However, in the meantime, Bloomberg respectfully requests that FEMA respond to this appeal within 20 business days.⁷

We appreciate your attention to this matter. If you have any questions or require any additional information, please contact me directly at (b)(6)

Sincerely,



Thomas Golden

cc:

Charles Glasser
Global Media Counsel, Bloomberg News

Justin Blum
Reporter, Bloomberg News

⁶ United States Attorney General Eric Holder's "Memorandum for Heads of Executive Departments and Agencies," dated March 19, 2009, available at: www.justice.gov/ag-tora-memo-march2009.pdf

⁷ 5 U.S.C. § 552(a)(6)(A)(ii)



FEMA

JUN 20 2012

Mr. Justin Blum
Reporter
Bloomberg News
1399 New York Avenue, NW
11th Floor
Washington, D.C. 20005

Re: **FEMA 10-437**
Twelfth Interim Response

Dear Mr. Blum:

This is the twelfth interim response to your April 26, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). You requested copies of the following documents:

1. Any and all documents showing how peer evaluators ranked applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act. This includes applications that received funding, along with those that did not.
 2. Any and all e-mails, memos and other internal correspondence relating to applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
 3. Any and all correspondence between FEMA and those who unsuccessfully applied for funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
 4. Any and all documents showing how FEMA selected fire stations to receive funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
 5. Any and all correspondence from individuals or organizations writing to support grants funded by the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
- We conducted a search of the Grants Program Directorate for documents responsive to your request. We are releasing an additional 500 pages to you in this twelfth interim release. Upon my review, I have determined that these pages are partially releasable pursuant to Title 5 U.S.C. § 552(b)(6) and (b)(7)(E).

Mr. Justin Blum
FEMA 10-437

2

Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

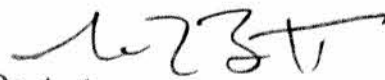
Exemption 7(E) protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. We determined that disclosure of certain portions of the documents could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge. 6 C.F.R. § 5.11(d)(4).

If you have any questions or would like to discuss this matter, please refer to **FEMA 10-437**. We can be reached at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov.

Sincerely,



Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: Responsive Documents on CD (500 pages)

Sillah, Alecia

From: Rich, Paula
Sent: Tuesday, July 05, 2011 3:41 PM
To: (b)(6)
Cc: Sillah, Alecia; (b)(6)
Subject: RE: 10-437
Attachments: image001.jpg; image002.gif

PE 1 = 000

2 = 030

3 = 390

1092

(b)(6)

This email constitutes final OCC approval of the fourth interim release in 10-437.

I have reviewed pdf files 1-3. There are a few modifications. As you will see, the technical issues with your PC left a lot of additional bracketing on the first file, but the second and third files have almost no changes. list below) (b)(5)

(b)(5)

I trust that you and Alecia can QA these few changes without me, but if there are any issues with QA slowing the process down, you can call on me to do it.

Finally, I edited the fourth interim response letter. It is ready to go.

So this is my sign off on the fourth interim release. Would you please let me know when it is mailed out?

Thank you again for working so hard on this file, (b)(6) !!!

Paula

Paula Rich
Attorney-Advisor
Office of Chief Counsel
Federal Emergency Management Agency (FEMA)
1800 South Bell Street, (b)(6)
Crystal City, VA 20598-3005
Office: (b)(6)
Mobile: (b)(6)

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From: (b)(6)
Sent: Tuesday, July 05, 2011 6:44 AM
To: Rich, Paula
Cc: Sillah, Alecia
Subject: RE: 10-437

Wow. Timing is everything right? I was JUST about to email you both that files 1-3 are complete and ready for your review Paula. They are located in R:\RMD\FOIA\Case Files\FY10 FOIA\10-437\Bracketed Response Docs\Bracketed Evaluation Sheets in the folder marked "Files 1-3". Please be advised that I'm still having issues with my CPU and often brackets that I have put into place several times simply do not save, so I apologize in advance for any missing redactions. These files have been reviewed 4 times for accuracy. (My seeing-eye dog is on order as we speak..lol) I am entering a ticket for IT to take a look at it asap. There are 1,692 pages in these three files (if I caught all of the blank pages) I will also update the draft release letter to reflect this page count.

It is my plan to have files 4-6 completed by COB today and will notify you of my progress. If you note any repeat errors on my part, please inform me and I will work to correct them immediately. Thanks so much. Have a great day ladies!

From: Rich, Paula
Sent: Tuesday, July 05, 2011 9:11 AM
To: (b)(6) Sillah, Alecia
Subject: RE: 10-437

Good morning, ladies!

I am beginning to review file #1, so please don't change anything in there.

(b)(6) You'll let me know when you are done with 2 & 3?

Hoping to get this done today because the requester is waiting—but also because I'm feeling baby moving along and I can't birth in peace until I know Justin Blum is satisfied ☺

Paula Rich
Attorney-Advisor
Office of Chief Counsel
Federal Emergency Management Agency (FEMA)
1800 South Bell Street, (b)(6)
Crystal City, VA 20598-3005

Office: (b)(6)
Mobile: (b)(6)

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From: (b)(6)
Sent: Friday, July 01, 2011 11:53 AM
To: Rich, Paula; Sillah, Alecia
Subject: 10-437

Ok ladies,

Apparently, I'm not going to be able to meet my self-imposed goal of completing the mods for all 5 files. ☹ It's more time consuming than I thought finding all of those miniscule initials. File 1 is complete and nearly all of 2. Sc files 1-3 will be done Tuesday morning (b)(5)
Well, I'm off to see the wizard. Have a wonderful holiday weekend ladies!

Respectfully,

(b)(6)

FOIA Specialist
Federal Emergency Management Agency
U.S. Department of Homeland Security
Office: (b)(6)
Email: (b)(6)@dhs.gov



FEMA

4th Interim

(b)(6)

This email constitutes final OCC approval of the fourth interim release in 10-437.

I have reviewed pdf files 1-3. There are a few modifications. As you will see, the technical issues with your PC left a lot of additional bracketing on the first file, but the second and third files have almost no changes.

(b)(5)

(b)(5)

I trust that you and Alecia can QA these few changes without me, but if there are any issues with QA slowing the process down, you can call on me to do it.

Finally, I edited the fourth interim response letter. It is ready to go.

So this is my sign off on the fourth interim release. Would you please let me know when it is mailed out?

Thank you again for working so hard on this file, (b)(6) !!!

Paula

(b)(6)

From:
Sent:
To:

Rich, Paula [(b)(6)]@fema.gov
Tuesday, May 03, 2011 9:56 AM
[(b)(6)]

3rd Intern

Rhonda,

Just 2 more changes I found—

(b)(5)

Once you do another redacted copy we will be good to go. No further approval needed from me—but do call me if you have any problems finding those last 2 redactions or if anything looks "off" to you.

Thanks so much!!

Paula Rich
Attorney-Advisor
Office of Chief Counsel
Federal Emergency Management Agency (FEMA)
1800 South Bell Street, [(b)(6)]
Crystal City, VA 20598-3005
Office: [(b)(6)]
Mobile: [(b)(6)]

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(b)(6)

From: Rich, Paula [(b)(6)]@fema.gov
Sent: Monday, May 02, 2011 9:01 PM
To: Sillah, Alecia; [(b)(6)]
Subject: Bloomberg 10-437

Hello, Ladies.

I have a very few modifications for the first 500 pages.

[(b)(5)] Thanks very much for doing these as soon as you can. it was my misunderstanding of our processing schedule that causes me to want to get this release to the requester ASAP, so I'm sorry to impose on you. At least it allows us to give something to the requester while we probe Grants about the evaluation sheets.

BTW, in all cases these names were very close calls and I'm just being a little more conservative than you, [(b)(6)]

Finally, I edited the 3rd interim release letter and updated the page count. So you are welcome to consider this final OCC approval of the 3d interim release and send it once the modifications are complete. If, however, it helps you to have me QA the mods, I am happy to do so to help get this one out the door faster.

As for the remaining 1800 or so pages in this file, I am going to review it at a later date. Alecia, you are welcome to take it for review, but it is such a simple set of docs that I don't mind reviewing it without your QA if you like.

(b)(5)

(b)(5)

Paula Rich
Attorney-Advisor
Office of Chief Counsel
Federal Emergency Management Agency (FEMA)
1800 South Bell, [(b)(6)]

SUMMARY SHEET

PURPOSE: To obtain the approval and signature on the final response to Freedom of Information Act (FOIA) Case 10-437.

DISCUSSION: Mr. Justin Blum submitted a FOIA request to FEMA on April 26, 2010, requesting: 1. Any and all documents showing how peer evaluations ranked applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act. This includes applications that received funding, along with those that did not.

2. Any and all e-mails, memos and other internal correspondence relating to applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.

3. Any and all correspondence between FEMA and those who unsuccessfully applied for funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.

4. Any and all documents showing how FEMA selected fire stations to receive funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.

5. Any and all correspondence from individuals or organizations writing to support grants funded by the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.

The Disclosure Office tasked this FOIA to the Grants Directorate for search and initial review. The attached records were found to be releasable in full.

POINT OF CONTACT:

(b)(6)

OCC POINT OF CONTACT:

PAULA BUCH

DATE: 8 MAY 2010

THIS CASE IS UNDER APPEAL. I have conferred with counsel

(b)(6)

that a first interim release will be sent immediately.

(B)

(b)(6)

From: Rich, Paula
Sent: Tuesday, September 06, 2011 1:44 PM
To: Sillah, Alecia
Cc: (b)(6) Bennett, Anthony M
Subject: RE: Bloomberg

20 (b)(6)
9/7/11

I've completed review on Bloomberg6. It looks great. Here are my only changes:

(b)(5)

Please consider this OCC approval of the 6th interim release.

Thanks for your work on this (b)(6) and Alecia!

Paula Rich
Attorney-Advisor
Office of Chief Counsel
Federal Emergency Management Agency (FEMA)
1800 South Bell Street, (b)(6)
Crystal City, VA 20598-3005
Office: (b)(6)
Mobile: (b)(6)

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From: (b)(6)
Sent: Thursday, September 01, 2011 6:27 AM
To: Rich, Paula
Cc: (b)(6) Bennett, Anthony M
Subject: RE: Bloomberg

Hi Paula!

You're back? Wow! How is the new family?

We did release documents last month as scheduled. We released the 5th Interim on August 9. The 6th interim is ready for review. Click [here](#) for the file folder; 6th Interim release letter is [here](#). I have not QA'd the docs or the letter. We have experienced several major "fires" the month of August, which have significantly impacted my QA reviews.

Alecia S. Sillah
Team Leader/Senior FOIA Analyst
Disclosure Branch (FOIA Office)
Records Management Division
Federal Emergency Management Agency (FEMA)
U.S. Department of Homeland Security
(b)(6) @dhs.gov

(b)(6)

From: Rich, Paula
Sent: Thursday, September 01, 2011 9:13 AM
To: Sillah, Alecia; (b)(6)
Subject: Bloomberg

Hi, ladies! I'm happy to be back and bothering you about Bloomberg again.

What is status at the moment? Did a release go out while I was gone? Anything you want me to review for the next release?

Thanks!

Paula Rich
Attorney-Advisor
Office of Chief Counsel
Federal Emergency Management Agency (FEMA)
1800 South Bell Street, (b)(6)
Crystal City, VA 20598-3005
Office: (b)(6)
Mobile: (b)(6)

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INTERNAL ROUTING AND TRANSMITTAL SLIP

TO: Dr. Lesia M. Banks

	Initials	Date Rcvd	Date Cleared
1. (b)(6) Admin Specialist			
2. Dr. Anthony M. Bennett: Disclosure Branch Chief			
3. (b)(6)	(b)(6)	10-5-10	
4. Paula Rich: OCC	R	8 NOV 2010	8 NOV 2010
5. Alecia Sillah, Team Leader	AD	12/23/10	2/8/11
6.			

X	Action	File	Note and Return
X	Approval	For Review	X Per Conversation
	As Requested	For Correction	Prepare Reply
	Circulate	For Your Info	Comment
	Concurrence	Investigate	Signature
	Coordination	Justify	Other (Note below)

REMARKS: second interim release

- Requester seeks: 1. Any and all documents showing how peer evaluators ranked applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act. This includes applications that received funding, along with those that did not.
2. Any and all e-mails, memos and other internal correspondence relating to applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
3. Any and all correspondence between FEMA and those who unsuccessfully applied for funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
4. Any and all documents showing how FEMA selected fire stations to receive funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
5. Any and all correspondence from individuals or organizations writing to support grants funded by the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.

Requester has contacted atty due to late response from our office. Please review asap so that we can send initial docs to him.

2/8/11 - Paula, bracketed docs in folder w/ today's date
redacted docs in Final Responsive Docs folder. (AD)

FROM: (Name, org. symbol, Agency/Post)

(b)(6)

(b)(6)

(b)(5)

(6)

INTERNAL ROUTING AND TRANSMITTAL SLIP

TO: Dr. Anthony M. Bennett

	Initials	Date Rcvd	Date Cleared
1. (b)(6) Admin Specialist			
2. Dr. Anthony M. Bennett: Disclosure Branch Chief			
3. (b)(6)	(b)(6)	10-05-2010	8-09-2011
4. Alecia Sillah: Team Lead	as	8/9/11	8/9/11
5. OCC			
6. Dr. Anthony M. Bennett: Disclosure Branch Chief			

X	Action	X	File	Note and Return
X	Approval	X	For Review	Per Conversation
	As Requested		For Correction	Prepare Reply
	Circulate		For Your Info	Comment
	Concurrence		Investigate	Signature
	Coordination		Justify	Other (Note below)

REMARKS: FEMA 10-437; Justin Blum 5th Interim Release

8/9/11- rvwd 5th interim CD
redacted docs only ✓ as

FROM:

(b)(6)

(b)(6)

INTERNAL ROUTING AND TRANSMITTAL SLIP

TO: Dr. Anthony M. Bennett

	Initials	Date Rcvd	Date Cleared
1. (b)(6) Admin Specialist			
2. Dr. Anthony M. Bennett: Disclosure Branch Chief			
3. (b)(6)	(b)(6)	10-05-2010	7-06-2011
4. Alecia Sillah: Team Lead	(AS)	7/6/11	7/6/11
5. Paula Rich: OCC			
6. Dr. Anthony M. Bennett: Disclosure Branch Chief			

X	Action	X	File	Note and Return
X	Approval	X	For Review	Per Conversation
	As Requested		For Correction	Prepare Reply
	Circulate		For Your Info	Comment
	Concurrence		Investigate	Signature
	Coordination		Justify	Other (Note below)

REMARKS: FEMA 10-437, Justin Blum

FROM:

(b)(6)

(b)(6)

INTERNAL ROUTING AND TRANSMITTAL SLIP				
TO: Dr. Anthony M. Bennett		Initials	Date Rcvd	Date Cleared
1	(b)(6)			
2.	Dr. Anthony M. Bennett: Disclosure Branch Chief			
	(b)(6)	(b)(6)	10-5-2010	5-3-2011
4.	Alecia Sillah: Team Lead			
5.	Paula Rich: OCC	see below email		
6.	Dr. Anthony M. Bennett: Disclosure Branch Chief			
X	Action	X	File	Note and Return
X	Approval	X	For Review	Per Conversation
	As Requested		For Correction	Prepare Reply
	Circulate		For Your Info	Comment
	Concurrence		Investigate	Signature
	Coordination		Justify	Other (Note below)
REMARKS: FEMA 10-437 3 rd Interim Release. Reviewed by Paula Rich (teleworking). Releasing 500 additional pages of Congressional letters with this package.				
FROM:		(b)(5) (b)(6)		
(b)(6)		(b)(6)		

INTERNAL ROUTING AND TRANSMITTAL SLIP

TO: Dr. Anthony M. Bennett

Initials

Date Rcvd

Date Cleared

1.

(b)(6)

2. Dr. Anthony M. Bennett: Disclosure Branch Chief

3.

(b)(6)

(b)(6)

10-05-2010

09-06-2011

4. Alecia Sillah: Team Lead

AS

9/7/11

9/7/11

5. OCC

See PRich's email 9/4

6. Dr. Anthony M. Bennett: Disclosure Branch Chief

X

Action

X

File

Note and Return

X

Approval

X

For Review

Per Conversation

As Requested

For Correction

Prepare Reply

Circulate

For Your Info

Comment

Concurrence

Investigate

Signature

Coordination

Justify

Other (Note below)

REMARKS: FEMA 10-437: Mr. Justin Blum, 6th Interim Release

FROM:

(b)(6)

(b)(6)

INTERNAL ROUTING AND TRANSMITTAL SLIP

TO: Dr. Anthony M. Bennett

		Initials	Date Rcvd	Date Cleared
1.	(b)(6)			
2.	Dr. Anthony M. Bennett: Disclosure Branch Chief			
3.	(b)(6)		10-05-2010	2-09-2012
4.	Pearlene Robinson: Team Lead			
5.	OCC			
6.	Dr. Anthony M. Bennett: Disclosure Branch Chief	<i>AB</i>		2/9/12

X	Action	X	File	Note and Return
X	Approval	X	For Review	Per Conversation
	As Requested		For Correction	Prepare Reply
	Circulate		For Your Info	Comment
	Concurrence		Investigate	Signature
	Coordination		Justify	Other (Note below)

REMARKS: FEMA 10-437: Mr. Justin Blum, 10th Interim Release, Awarded Apps

FROM:

(b)(6)

(b)(6)

INTERNAL ROUTING AND TRANSMITTAL SLIP

TO: Dr. Anthony M. Bennett

	Initials	Date Rcvd	Date Cleared
1. (b)(6)			
2. Dr. Anthony M. Bennett: Disclosure Branch Chief			
3. (b)(6)	(b)(6)	10-05-2010	12-20-2011
4. Pearlene Robinson: Team Lead	PR	12-21-11	12-21-11
5. OCC			
6. Dr. Anthony M. Bennett: Disclosure Branch Chief			

X	Action	X	File	Note and Return
X	Approval	X	For Review	Per Conversation
	As Requested		For Correction	Prepare Reply
	Circulate		For Your Info	Comment
	Concurrence		Investigate	Signature
	Coordination		Justify	Other (Note below)

REMARKS: FEMA 10-437: Mr. Justin Blum, 9th Interim Release, Awarded Apps

FROM:

(b)(6)

(b)(6)

INTERNAL ROUTING AND TRANSMITTAL SLIP

TO: Dr. Anthony M. Bennett

Initials

Date Rcvd

Date Cleared

1.

(b)(6)

2. Dr. Anthony M. Bennett: Disclosure Branch Chief

3.

(b)(1)(b)(6)

10-05-2010

11-29-2011

4. Pearlene Robinson: Team Lead

PR

11-29-11

11-29-11

5. OCC

6. Dr. Anthony M. Bennett: Disclosure Branch Chief

By

11/29/11

11/29/11

X

Action

X

File

Note and Return

X

Approval

X

For Review

Per Conversation

As Requested

For Correction

Prepare Reply

Circulate

For Your Info

Comment

Concurrence

Investigate

Signature

Coordination

Justify

Other (Note below)

REMARKS: FEMA 10-437: Mr. Justin Blum, 8th Interim Release, Awarded Apps

Outgoing letter approved by PRick on 11/28/2011. Rev:

FROM:

(b)(6)

(b)(6)

(b)(6)

Sent: Tuesday, November 29, 2011 9:09 AM
To: (b)(6)
Subject: RE: Bloomberg

From: Rich, Paula
Sent: Monday, November 28, 2011 2:55 PM
To: (b)(6)
Subject: RE: Bloomberg

Perfection!! All ready for you to send.

Paula Rich
Attorney-Advisor
Office of Chief Counsel
Federal Emergency Management Agency (FEMA)
1800 South Bell Street, (b)(6)
Crystal City, VA 20598-3005
Office: (b)(6)
(b)(6)

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From: (b)(6)
Sent: Monday, November 28, 2011 2:22 PM
To: Rich, Paula
Subject: RE: Bloomberg

Hi Paula!

All done. You must have been in the file because I couldn't save it, so I saved the changes in a new file named "REVISED 2". Sorry for the delay....

From: Rich, Paula
Sent: Monday, November 28, 2011 1:56 PM
To: (b)(6)
Subject: RE: Bloomberg

Hi, (b)(6)

Are your changes on this ready for my final review?

Paula Rich

INTERNAL ROUTING AND TRANSMITTAL SLIP

TO: Dr. Anthony M. Bennett

Initials

Date Rcvd

Date Cleared

1.	(b)(6)			
2.	Dr. Anthony M. Bennett: Disclosure Branch Chief			
3.	(b)(6)	(b)(6)	10-05-2010	11-2-2011
4.	Pearlene Robinson: Team Lead	PR		11-2-11
5.	OCC			
6.	Dr. Anthony M. Bennett: Disclosure Branch Chief	B	11/2/11	11/2/11
X	Action	X	File	Note and Return
X	Approval	X	For Review	Per Conversation
	As Requested		For Correction	Prepare Reply
	Circulate		For Your Info	Comment
	Concurrence		Investigate	Signature
	Coordination		Justify	Other (Note below)

REMARKS: FEMA 10-437: Mr. Justin Blum, 7th Interim Release

FROM:

(b)(6)

(b)(6)

(b)(6)

From: Rich, Paula
Sent: Wednesday, November 02, 2011 11:42 AM
To: (b)(6)
Cc: Robinson, Pearlene
Subject: RE: FEMA 10-437

Terrific. Thanks, (b)(6)

Paula Rich
Attorney-Advisor
Office of Chief Counsel
Federal Emergency Management Agency (FEMA)
1800 South Bell Street, (b)(6)
Crystal City, VA 20598-3005
Office: (b)(6)
(b)(6)

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From: (b)(6)
Sent: Wednesday, November 02, 2011 11:36 AM
To: Rich, Paula
Cc: Robinson, Pearlene
Subject: FEMA 10-437

Paula,

(b)(5)

Respectfully,

(b)(6)

Management Program Analyst
Federal Emergency Management Agency
U.S. Department of Homeland Security
Office (b)(6)

NOV 16 2010



FEMA

Justin Blum
Reporter
Bloomberg News
1399 New York Ave. NW, 11TH Floor
Washington, DC 20005

Re: **FEMA 10-437**

Dear Mr. Blum:

This is the first interim response to your April 26, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). This office received your request on April 26, 2010. You requested copies of the following documents:

1. Any and all documents showing how peer evaluators ranked applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act. This includes applications that received funding, along with those that did not.
2. Any and all e-mails, memos and other internal correspondence relating to applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
3. Any and all correspondence between FEMA and those who unsuccessfully applied for funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
4. Any and all documents showing how FEMA selected fire stations to receive funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
5. Any and all correspondence from individuals or organizations writing to support grants funded by the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.

We have considered your request under the Freedom of Information Act, 5 U.S.C. § 552. In responding to your FOIA request, the Grants Program Directorate searched for responsive documents in its control. In response to number one of your request, we have received ten pages of responsive documents for review.

We are granting this portion of your request under the FOIA, Title 5 U.S.C. § 552, as amended, and DHS' implementing regulations, 6 C.F.R. Chapter I and Part 5. After carefully reviewing the responsive documents, it is determined that they are appropriate for public release. They are enclosed in their entirety; no deletions or exemptions have been claimed.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge.

If you need to contact our office concerning this matter, please refer to FEMA 10-437. As we receive more documentation from our program offices, we will evaluate and release any non-exempt material per our discussions with your counsel, Melanie Grossman. You may contact this office at (202) 646-3323. This office can also be reached by email at FEMA-FOIA@dhs.gov.

Sincerely,



Dr. Anthony M. Bennett
Disclosure Branch Chief
Mission Support Bureau
Office of the Chief Administrative Officer
Federal Emergency Management Agency

Enclosure(s): Responsive Documents [10 pages]



FEMA

Justin Blum
Reporter
Bloomberg News
1399 New York Avenue, NW
11th Floor
Washington, DC 20005

FEB 14 2011

**Re: FEMA 10-437
Second Interim Response**

Dear Mr. Blum:

This is the second interim response to your April 26, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). This office received your request on April 26, 2010. You requested copies of the following documents:

1. Any and all documents showing how peer evaluators ranked applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act. This includes applications that received funding, along with those that did not.
2. Any and all e-mails, memos and other internal correspondence relating to applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
3. Any and all correspondence between FEMA and those who unsuccessfully applied for funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
4. Any and all documents showing how FEMA selected fire stations to receive funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
5. Any and all correspondence from individuals or organizations writing to support grants funded by the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.

We conducted a search of the Grants Program Directorate for documents responsive to your request. We have reviewed 500 pages of responsive documents for this second interim release. Upon my review, I have determined that these pages are partially releasable pursuant to Title 5 U.S.C. § 552 (b)(4) and (b)(6).



FEMA

MAY 03 2011

Mr. Justin Blum
Reporter
Bloomberg News
1399 New York Avenue, NW
11th Floor
Washington, D.C. 20005

Re: **FEMA 10-437**
Third Interim Response

Dear Mr. Blum:

This is the third interim response to your April 26, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). You requested copies of the following documents:

1. Any and all documents showing how peer evaluators ranked applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act. This includes applications that received funding, along with those that did not.
2. Any and all e-mails, memos and other internal correspondence relating to applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
3. Any and all correspondence between FEMA and those who unsuccessfully applied for funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
4. Any and all documents showing how FEMA selected fire stations to receive funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
5. Any and all correspondence from individuals or organizations writing to support grants funded by the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.

U.S. Department of Homeland Security
500 C Street, SW
Washington, DC 20472



FEMA

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- 1. Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
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- 3. Attach this card to the back of the mailpiece, on the front if space permits.

Article Addressed to:

Mr. Justin Blum
Romberg News
399 New York Ave, NW
1st Floor
Washington DC 20005

Article Number
(Transfer from service label)

7010 2780 0003 3656 5524

COMPLETE THIS SECTION ON DELIVERY

A. Signature

(b)(6)

B. Received by (Printed Name)

☐ Agent
☐ Addressee

D. Is delivery address different from item 3?

☐ Yes
☒ No

3. Service Type

- ☒ Certified Mail
- ☐ Registered
- ☐ Insured Mail
- ☐ Express Mail
- ☐ Return Receipt for Merchandise
- ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

your April 26, 2010, Freedom of Information Act (FOIA) request for records from the U.S. Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) regarding the following documents:

How peer evaluators ranked applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act. This includes applications that received funding, along with those that did not.

2. Any and all e-mails, memos and other internal correspondence relating to applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.

3. Any and all records, reports, memoranda, correspondence and other documents relating to applications for funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.

4. Any and all records, reports, memoranda, correspondence and other documents relating to the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.

5. Any and all records, reports, memoranda, correspondence and other documents relating to the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
(b)(6) (b)(6) (b)(6)
 Mr. Justin Blum
 Bloomberg News
 1399 New York Ave. NW
 11th Floor
 Washington DC 20005

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* ☐ Agent ☒ Addressee

B. Date of Delivery *8/27* ☐ Yes ☒ No

C. Is delivery address different from item 1? ☐ Yes ☒ No

D. If YES, enter delivery address below:

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Mails ☐ Insured Mail ☐ C.O.D.
☐ Restricted Delivery? (Extra Fee) ☐ Yes

Article Number (Transfer from service label)
 7009 0080 0000 5497 9747
 PS Form 3811, February 2004
 Domestic Return Receipt
 102595-02-M-15

09 2011



U.S. Department of Homeland Security
 500 C Street, SW
 Washington, DC 20472

FEMA

your April 26, 2010, Freedom of Information Act (FOIA) request to the U.S. Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) for the following documents:

1. How peer evaluators ranked applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act. This includes applications that received funding, along with those that did not.
2. Any and all e-mails, memos and other internal correspondence relating to applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
3. Any and all correspondence between FEMA and those who unsuccessfully applied for funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
4. Any and all documents showing how FEMA selected fire stations to receive funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
5. Any and all correspondence from individuals or organizations writing to support grants funded by the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.

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FEMA

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Total Postage & Fees	\$

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Sent To *Mr. Justin Blum, Bloomberg News*
 Street, Apt. No.,
 or PO Box No. *1399 New York Ave. N.W.*
 City, State, ZIP+4 *Washington DC 20005*
 PS Form 3800, August 2006 See Reverse for Instructions

Re: **FEMA 10-437**
Sixth Interim Response

Dear Mr. Blum:

This is the sixth interim response to your April 26, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). You requested copies of the following documents:

1. Any and all documents showing how peer evaluators ranked applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act. This includes applications that received funding, along with those that did not.
2. Any and all e-mails, memos and other internal correspondence relating to applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
3. Any and all correspondence between FEMA and those who unsuccessfully applied for funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
4. Any and all documents showing how FEMA selected fire stations to receive funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
5. Any and all correspondence from individuals or organizations writing to support grants funded by the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.

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 Washington, DC 20472



FEMA

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

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Sent To: *Mr. Justin Blum, Bloomberg News*
 Street, Apt. No.,
 or PO Box No. *1399 New York Ave. N.W.*
 City, State, ZIP+4 *Washington DC 20005*
 PS Form 3800, August 2006 See Reverse for Instructions

Re: **FEMA 10-437**
Sixth Interim Response

Dear Mr. Blum:

This is the sixth interim response to your April 26, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). You requested copies of the following documents:

1. Any and all documents showing how peer evaluators ranked applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act. This includes applications that received funding, along with those that did not.
2. Any and all e-mails, memos and other internal correspondence relating to applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
3. Any and all correspondence between FEMA and those who unsuccessfully applied for funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
4. Any and all documents showing how FEMA selected fire stations to receive funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
5. Any and all correspondence from individuals or organizations writing to support grants funded by the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.

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Total Postage & Fees	\$

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 500 C Street, SW
 Washington, DC 20472



FEMA

Send to
 Mr. Justin Blum, Reporter Bloomberg News
 Street, Apt. No. or PO Box No. 1399 New York Ave, NW 11th Flr
 City, State, ZIP+4 Washington DC 20005
 PS Form 3800, August 2006 See Reverse for instructions

Washington, D.C. 20005

Re: **FEMA 10-437**
Seventh Interim

Dear Mr. Blum:

This is the seventh interim response to your April 26, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). You requested copies of the following documents:

1. Any and all documents showing how peer evaluators ranked applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act. This includes applications that received funding, along with those that did not.
2. Any and all e-mails, memos and other internal correspondence relating to applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
3. Any and all correspondence between FEMA and those who unsuccessfully applied for funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
4. Any and all documents showing how FEMA selected fire stations to receive funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
5. Any and all correspondence from individuals or organizations writing to support grants funded by the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.

Mailed on 11/2/2011

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Total Postage & Fees	\$

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500 C Street, SW
Washington, DC 20472



FEMA

Sent To
Mr. Justin Blum, Reporter, Bloomberg News
Street, Apt. No.,
or PO Box No. *1399 New York Avenue, NW 11th Flr*
City, State, ZIP+4
Washington DC 20005

PS Form 3800, August 2006 See Reverse for Instructions

COMPLETE THIS SECTION ON DELIVERY

A. Signature <input checked="" type="checkbox"/> (b)(6)	C. Date 12/25
B. Received by (Printed Name) <i>Justin Blum</i>	D. Is delivery address different from item 1? YES, enter delivery address below: <i>1 DEC -6 AM 7:25</i>
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/>	

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1. Article Addressed to:
*Mr. Justin Blum, Reporter
Bloomberg News
1399 New York Ave, NW
11th Flr
Washington DC 20005*

2. Article Number
(Transfer from service label)
7010 2780 0003 3656 5630
PS Form 3811, February 2004

Domestic Return Receipt

to your April 26, 2010, Freedom of Information Act (FOIA) request to the U.S. Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) for copies of the following documents:

1. How peer evaluators ranked applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act. This funding, along with those that did not.

2. Other internal correspondence relating to applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.

3. A list of all individuals or organizations writing to support grants funded by the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.

4. How FEMA selected fire stations to receive funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.

5. How FEMA selected fire stations to receive funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.

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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

2011



FEMA

Sent To: *Mr. Justin Blum, Reporter Bloomberg News*
 Street, Apt. No.: *1399 New York Ave, NW 11th Floor*
 or PO Box No.:
 City, State, ZIP+4: *Washington DC 20005*

PS Form 3800, August 2006

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
*Mr. Justin Blum, Reporter
 Bloomberg News
 1399 New York Ave, NW
 11th Floor
 Washington, DC 20005*

2. Article Number
 (Transfer from service label)
 7010 2780

PS Form 3811, February 2004

our April 26, 2010, Freedom of Information Act (FOIA) and Security (DHS)/Federal Emergency Management Act of the following documents:

peer evaluators ranked applications for the Fire Station under the American Recovery and Reinvestment Act. This finding, along with those that did not.

internal correspondence relating to applications for the program funded by the American Recovery and Reinvestment Act.

3. Any and all correspondence between FEMA and those who unsuccessfully applied for funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.

4. Any and all documents showing how FEMA selected fire stations to receive funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.

5. Any and all correspondence from individuals or organizations writing to support grants funded by the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

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Sent To: *Mr. Justin Blum, Reporter*
Bloomberg News
 Street, Apt. No., or PO Box No.: *1399 New York Ave, NW*
 City, State, ZIP: *Washington DC 20005*

PS Form 3800, August 2006 See Reverse for Instructions

U.S. Department of Homeland Security
 500 C Street, SW
 Washington, DC 20472



FEMA

FEB 09 2007

Re: **FEMA 10-437**
Tenth Interim Response

Dear Mr. Blum:

This is the tenth interim response to your April 26, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). You requested copies of the following documents:

1. Any and all documents showing how peer evaluators ranked applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act. This includes applications that received funding, along with those that did not.
2. Any and all e-mails, memos and other internal correspondence relating to applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
3. Any and all correspondence between FEMA and those who unsuccessfully applied for funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
4. Any and all documents showing how FEMA selected fire stations to receive funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
5. Any and all correspondence from individuals or organizations writing to support grants funded by the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.

(Date)

Justin Blum
Reporter
Bloomberg News
1399 New York Ave. NW, 11TH Floor
Washington, DC 20005

Re: **FEMA 10-437**

Dear Mr. Blum:

This is the first interim response to your April 26, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). This office received your request on April 26, 2010. You requested copies of the following documents:

1. Any and all documents showing how peer evaluators ranked applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act. This includes applications that received funding, along with those that did not.
2. Any and all e-mails, memos and other internal correspondence relating to applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
3. Any and all correspondence between FEMA and those who unsuccessfully applied for funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
4. Any and all documents showing how FEMA selected fire stations to receive funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
5. Any and all correspondence from individuals or organizations writing to support grants funded by the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.

We have considered your request under the Freedom of Information Act, 5 U.S.C. § 552. In responding to your FOIA request, the Grants Program Directorate searched for responsive documents in its control. ~~There for~~ we have received ~~twelve~~ ^{ten} pages of responsive documents for review.

In response to number one of
your request.

We are granting this portion of your request under the FOIA, Title 5 U.S.C. § 552, as amended, and DHS' implementing regulations, 6 C.F.R. Chapter I and Part 5. After carefully reviewing the responsive documents, it is determined that they are appropriate for public release. They are enclosed in their entirety; no deletions or exemptions have been claimed.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge.

If you need to contact our office concerning this matter, please refer to **FEMA 10-437**. You may contact this office at (202) 646-3323. This office can also be reached by email at FEMA-FOIA@dhs.gov.

Sincerely,

Dr. Lesia M. Banks
Acting Disclosure Branch Chief
Mission Support Bureau
Office of the Chief Administrative Officer
Federal Emergency Management Agency

Enclosure(s): Responsive Documents [10 pages]

AS we receive more documentation from our program offices we will evaluate and release any non exempt material per our conversation with you
Counsel
MELANIE GROSSMAN
(name)

(b)(6)

From: Rich, Paula
Sent: Thursday, November 04, 2010 3:38 PM
To: (b)(6)
Cc: (b)(6)
Subject: RE: FOIA#10-437 Response to point #1

Okay, thanks (b)(6). Then that's the only release for which I need the "estimated distribution to requester" date.

Paula Rich
Attorney-Advisor
Office of Chief Counsel
Federal Emergency Management Agency (FEMA)
1800 South Bell Street, (b)(6)
Crystal City, VA 20598-3005
Office: (b)(6)
Mobile: (b)(6)

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From: (b)(6)
Sent: Thursday, November 04, 2010 3:12 PM
To: Rich, Paula
Cc: (b)(6)
Subject: RE: FOIA#10-437 Response to point #1

I only received the one email that had 3 attachments in it. That's it.

From: Rich, Paula
Sent: Thursday, November 04, 2010 1:06 PM
To: (b)(6)
Cc: (b)(6)
Subject: RE: FOIA#10-437 Response to point #1

(b)(5)

Paula Rich
Attorney-Advisor
Office of Chief Counsel
Federal Emergency Management Agency (FEMA)
1800 South Bell Street, (b)(6)
Crystal City, VA 20598-3005
Office: (b)(6)
Mobile: (b)(6)

This communication was prepared by the DHS/FEMA Office of Chief Counsel and is covered by Federal and state law governing electronic communications. It may contain confidential pre-decisional and/or sensitive attorney-client privileged, attorney work product, and/or U.S. Government information, and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient. Please consult the Office of Chief Counsel before disclosing any information contained herein. If the reader of this message is not the intended recipient, any dissemination, distribution, use or copying of this message is prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

From: (b)(6)
Sent: Thursday, November 04, 2010 12:40 PM
To: Rich, Paula; (b)(6)
Cc: (b)(6)
Subject: RE: FOIA#10-437 Response to point #1

Hello Paula,

We have received some initial documents. Processing will begin shortly.

(b)(5)

you.

Thank

From: Rich, Paula
Sent: Thursday, November 04, 2010 11:15 AM
To: (b)(6)
Cc: (b)(6)
Subject: RE: FOIA#10-437 Response to point #1

Hello, ladies.

Do we have an estimate for processing completion of the first interim release in this case? I owe requester's counsel a timeline for the first release.

Thanks!

Paula

Paula Rich
Attorney-Advisor
Office of Chief Counsel
Federal Emergency Management Agency (FEMA)
1800 South Bell Street, (b)(6)
Crystal City, VA 20598-3005
Office: (b)(6)
Mobile: (b)(6)

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From: (b)(6)
Sent: Monday, November 01, 2010 3:03 PM
To: Rich, Paula; (b)(6)
Cc: (b)(6)
Subject: RE: FOIA#10-437 Response to point #1

(b)(5)

From: Rich, Paula
Sent: Monday, November 01, 2010 2:52 PM

To: (b)(6)
Cc: (b)(6)
Subject: RE: FOIA#10-437 Response to point #1

Thanks, (b)(6)

(b)(6) Who is processing this case?

(b)(5)
It would be great if I can get a processing estimate for the first interim release—Melanie Grossman has already asked when she can expect the first set of documents.

Thanks!

Paula

Paula Rich
Attorney-Advisor
Office of Chief Counsel
Federal Emergency Management Agency (FEMA)
1800 South Bell Street, (b)(6)
Crystal City, VA 20598-3005
Office: (b)(6)
Mobile: (b)(6)

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From: Robinson, Jennifer
Sent: Monday, November 01, 2010 2:42 PM
To: Rich, Paula
Cc: (b)(6)
Subject: FOIA#10-437 Response to point #1

FYI – we are working on getting the other points to you.

Thanks,

(b)(6)
Program and Management Analyst
DHS - FEMA
Grants Program Directorate
Office (b)(6)
Fax: (b)(6)

From: Vaughn, Sabrina R
Sent: Monday, November 01, 2010 2:35 PM
To: Robinson, Jennifer
Subject: FOIA#10-437 Response to point #1

Jennifer—see (b)(6)'s email message below.

Sabrina,

From: (b)(6)
Sent: Monday, November 01, 2010 1:53 PM

To: Vaughn, Sabrina R
Subject: FOIA #10-437 Response to First Bullet

Sabrina,

(b)(5)

(b)(6) Fire Program Specialist
U.S. Department of Homeland Security/FEMA
Grants Programs Directorate
(b)(6) - (b)(6)
Techworld Bldg. -South Tower 5th Floor
800 K St NW, Washington, DC 20472-3620
Office Number: (b)(6)
(b)(6)
Fire Grants Help Desk: 1-866-274-0960

From: Robinson, Jennifer
Sent: Monday, November 01, 2010 9:57 AM
To: Vaughn, Sabrina R
Cc: (b)(6)
Subject: RE: scanning of letters

Hey Sabrina,

Just received a phone call from the attorney and she would like to know if your group could piecemeal the other 4 points to her and work on the voluminous section later? Re - FOIA 10-437

Jennifer Robinson
Program and Management Analyst
DHS - FEMA
Grants Program Directorate
Office: (b)(6)
Fax: 202-786-9932

From: Vaughn, Sabrina R
Sent: Thursday, October 28, 2010 4:31 PM
To: Robinson, Jennifer
Subject: FW: scanning of letters
Importance: High

Jennifer ---fyi

From: (b)(6)@mcking.com]
Sent: Thursday, October 28, 2010 4:24 PM
To: 'Vaughn, Sabrina R'
Cc: (b)(6)@mcking.com
Subject: RE: scanning of letters
Importance: High

Sabrina,

(b)(5)

Thanks....

(b)(6)

From: Vaughn, Sabrina R [mailto:(b)(6)@dhs.gov]
Sent: Thursday, October 28, 2010 3:42 PM
To: (b)(6)@mcking.com
Subject: FW: scanning of letters

(b)(6) —how many SCG congressional letters? So, I can tell the FOIA office.

From: Vaughn, Sabrina R
Sent: Thursday, October 28, 2010 3:34 PM
To: (b)(6)@mcking.com
Subject: scanning of letters

(b)(5)

~~McGowan/Robinson~~

From: (b)(6)
Sent: Wednesday, August 11, 2010 8:49 AM
To: Robinson, Jennifer
Cc: Hines, Tammi
Subject: FEMA 10-437
Attachments: 10-437 Request.pdf; FOIA Suspense Tracker.pdf
Importance: High

Good morning, Jennifer!

We would appreciate a status update for this request 10-437. Thanks! (b)(6)

(b)(6)

Disclosure Branch
Office of Records Management
Management Directorate
Tel. (b)(6)

From: (b)(6)
Sent: Thursday, August 12, 2010 7:49 AM
To: Dunn, Carolyn
Cc: Hines, Tammi
Subject: FW: RE:FOIA Request # 10-437
Attachments: 10-437 Request.pdf; Fee Schedule, Exemptions (2 Pages).pdf; FOIA Suspense Tracker (24).pdf; exemption sheet.pdf

Good morning, Carolyn. I am resending this request to you. I hope you can expedite processing of this request. Thank you! (b)(6)

(b)(6)
Disclosure Branch
Office of Records Management
Management Directorate
Tel. (b)(6)

From: Hines, Tammi [mailto:(b)(6)@dhs.gov]
Sent: Wednesday, August 11, 2010 6:21 PM
To: Dunn, Carolyn
Cc: (b)(6)
Subject: FW: RE:FOIA Request # 10-437
Importance: High

Carolyn,

Have the responsive records for 10-437 been located? This is the tasker package that our office sent to Jennifer.

By copy of this message, I am asking (b)(6) to send you the tasker package for 10-668 first thing in the morning.

Tammi Hines
Acting Director
Records Management Division
Federal Emergency Management Agency
U.S. Department of Homeland Security
1800 S. Bell Street, Mail Stop 3005
Arlington, VA 20598-3005
Telephone: (b)(6)

From: Dunn, Carolyn
Sent: Wednesday, August 11, 2010 5:37 PM
To: Hines, Tammi
Subject: FW: RE:FOIA Request # 10-437

Tammi:

I never received the FOIA request packages from your office but I went ahead and forwarded your email to staff. Here is what I found out about the 10-437 request

=====
Carolyn P. Dunn

Executive Officer
FEMA Grant Programs Directorate
US Department of Homeland Security

Office (b)(6)

(b)(6)

From: Patterson, Catherine
Sent: Wednesday, August 11, 2010 5:30 PM
To: Dunn, Carolyn
Subject: FW: RE:FOIA Request # 10-437

Here is what I know about 10-437. We have a "heads up" on the other one but have not received the official request yet.

Cathie

From: Vaughn, Sabrina R [mailto:(b)(6)@dhs.gov]
Sent: Wednesday, August 11, 2010 3:40 PM
To: Patterson, Catherine
Subject: FW: RE:FOIA Request # 10-437

fyi

From: (b)(6)
Sent: Monday, August 09, 2010 5:08 PM
To: Robinson, Jennifer
Cc: Moglia, Dena; Vaughn, Sabrina R
Subject: RE:FOIA Request # 10-437

In response to FOIA request # 10-437, a request of several document concerning the American Recovery and Reinvestment Act (ARRA).

(b)(5)

(b)(6) Fire Program Specialist
U.S. Department of Homeland Security FEMA
Grants Programs Directorate
(b)(6) (b)(6)
Techworld Bldg. -South Tower 5th Floor
800 K St NW, Washington, DC 20472-3620
Office Number: (b)(6)
Cell Number: (b)(6)
Fire Grants Help Desk: 1-866-274-0960

Tracking:

From: (b)(6)
Sent: Wednesday, June 30, 2010 8:57 AM
To: (b)(6)@bloomberg.net
Cc: FEMA-FOIA
Subject: RE: Update

Good Morning Mr. Blum –

I am writing in reference to your FOIA request 10-437, which our office received on April 26, 2010.

(b)(6) has informed me that you had questions regarding the statutory requirements in responding to the FOIA. We have received your FOIA request, and have reached out to the program office on April 28, 2010 for a search of responsive documents. To date, we have not yet received responsive documents from the program office, but have been following up on the status.

FEMA has adopted the court-sanctioned practice of handling backlogged FOIA requests on a "first-in, first-out" basis. Once we receive documents from the program office, we will be able to determine if your FOIA request can be placed in the simple or complex queue for review.

If you have any questions, please do not hesitate to contact myself or (b)(6).

Thank you,

(b)(6)
 Senior FOIA Specialist
 Disclosure Branch
 Records Management Division

From: JUSTIN BLUM, BLOOMBERG/ NEWSROOM: [mailto:(b)(6)@bloomberg.net]
Sent: Tuesday, June 22, 2010 9:39 AM
To: FEMA-FOIA,
Subject: Re:Update

Mr. (b)(6)

Thanks for your reply. However, your e-mail doesn't answer the question I posed when we last spoke. Under FOIA law, your agency has 20 days to respond to my request. In certain circumstances, agencies can request an additional 10 days. FEMA never requested the additional 10 days. More than 30 days have now passed since my original request. What is the legal basis for failing to respond to my request under the time required by law? When does FEMA plan to respond to my request? If you're unable to answer these questions, please direct me to a supervisor who can.

Thanks,
 Justin Blum
 Bloomberg News

(b)(6)

From: Fema-Foia: Fema-FOIA@dhs.gov

Circumstance	Percentage (%)
If someone is attacking you	85
If someone is threatening you	75
If someone is harassing you	65
If someone is insulting you	55
If someone is annoying you	15

The FOIA is still in the Program Office for the search of responsive documents. I will keep you updated on the progress.

(b)(6)

(b)(6) Emergency Management
FEMA Crisis

FOIA Case No: 10-437

To: Grants

If you have any questions, please contact: Amy Pugh @ (b)(6)

Attachment(s): SEE REQUEST

☒ Search your records for responsive documents. (If your search locates voluminous records, please contact us with estimated number of pages and time to process records within 5 working days. The FOIA Office will contact the requester to see if we can narrow the scope of the request).

☒ Request you review the document(s) _____

☒ Request you review the document(s) for release to the requestor.

☒ Upon completion of your review, return this form, the document(s) (if applicable) along with the unsigned final response letter to the requester to: FEMA FOIA Office.

☒ Record the time spent reviewing/coordinating on the request and the number of pages on the enclosed Processing Cost form.

☐ Total release. **Attach the document(s) that you are going to release to the requester.**

☐ Recommend withholding.

☐ Recommend withholding information under FOIA exemption(s) _____.
Attach document(s) with the information that is to be withheld bracketed and the appropriate FOIA exemption(s) placed in the adjacent margin(s).

☐ Recommend withholding the entire document(s) under the following FOIA exemptions(s). **Attach the document(s) to be withheld in its/their entirety.**

☐ NO RECORDS – Our search failed to locate the responsive document(s). In order to fulfill a No Records request, please annotate below what and how you searched for responsive documents (i.e. database, hard files, etc.)

☐ We believe other FEEMAs are

☐ We believe other FEMA office(s), DHS office(s), or other agencies should be involved in processing this request; recommend you contact: _____

The following statement must be signed by the appropriate Subject Matter Expert who processed FOIA. I certify that all appropriate files have been searched and all responsive documents have been reviewed, copied and provided to the FEMA FOIA Office.

(Name/Title)

Phone #

(Date)

Sillah, Alecia

From: Sillah, Alecia
Sent: Thursday, December 06, 2012 4:37 PM
To: Booker-Kasper, Monique (b)(6)@fema.dhs.gov; (b)(6)
Subject: (b)(6) Workload & Bloomberg 10-437

Tracking:

Recipient

Read

Booker-Kasper, Monique
(b)(6)@fema.dhs.gov

(b)(6)

Read: 12/7/2012 8:28 AM

Hi Monique,

(b)(6)

(b)(6)

Below are the file paths for processing the remaining files for Bloomberg

- 15th Interim release is located: R:\FOIA\Case Files\FY10 FOIA\10-437\10-437 KB\Responsive Documents\Interim Release\Interim Releases for Awarded Apps\Final Release of Awarded Apps
- 16 – 20 Interim release are located: R:\FOIA\Case Files\FY10 FOIA\10-437\10-437 KB\Responsive Documents\Interim Release\Interim Releases of Apps Not Awarded

Thanks!

Alecia S. Sillah
FOIA Team Lead
Disclosure Branch (FOIA Office)
Records Management Division

Federal Emergency Management Agency (FEMA)
U.S. Department of Homeland Security

(b)(6) @dhs.gov

(b)(6) Desk

(b)(6)

Sillah, Alecia

From: Rich, Paula
Sent: Wednesday, November 28, 2012 4:24 PM
To: Silah, Alecia
Subject: Bloomberg

Follow Up Flag: Follow up
Flag Status: Flagged

Alecia,

I have news.

(b)(5)

Paula Rich | Attorney-Advisor | **DHS - FEMA**
(b)(6) | (b)(6) | Crystal City 420



FEMA

Mr. Justin Blum
Reporter
Bloomberg News
1399 New York Avenue, NW
11th Floor
Washington, D.C. 20005

AUG 10 2012

Re: **FEMA 10-437**
Fourteenth Interim Response

Dear Mr. Blum:

This is the fourteenth interim response to your April 26, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). You requested copies of the following documents:

1. Any and all documents showing how evaluators peer ranked applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act. This includes applications that received funding, along with those that did not.
2. Any and all e-mails, memos and other internal correspondence relating to applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
3. Any and all correspondence between FEMA and those who unsuccessfully applied for funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
4. Any and all documents showing how FEMA selected fire stations to receive funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
5. Any and all correspondence from individuals or organizations writing to support grants funded by the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.

Mr. Justin Blum
FEMA 10-437

2

We conducted a search of the Grants Program Directorate for documents responsive to your request. We are releasing an additional 500 pages to you in this fourteenth interim release. Upon my review, I have determined that these pages are partially releasable pursuant to Title 5 U.S.C. § 552(b)(6) and (b)(7)(E).

Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

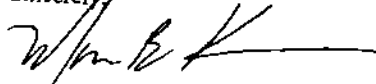
Exemption 7(E) protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. I determined that disclosure of certain portions of the documents could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge. 6 C.F.R. § 5.11(d)(4).

If you need to contact our office concerning this matter, please refer to FEMA 10-437. You may contact this office at (202) 646-3323. This office can also be reached by email at FEMA-FOIA@dhs.gov.

Sincerely,



Monique Booker-Kasper
Acting Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: Responsive Documents on CD (500 pages)



FEMA

Mr. Justin Blum
Reporter
Bloomberg News
1399 New York Avenue, NW
11th Floor
Washington, D.C. 20005

AUG 10 2012

Re: **FEMA 10-437**
Thirteenth Interim Response

Dear Mr. Blum:

This is the thirteenth interim response to your April 26, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). You requested copies of the following documents:

1. Any and all documents showing how peer evaluators ranked applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act. This includes applications that received funding, along with those that did not.
2. Any and all e-mails, memos and other internal correspondence relating to applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
3. Any and all correspondence between FEMA and those who unsuccessfully applied for funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
4. Any and all documents showing how FEMA selected fire stations to receive funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
5. Any and all correspondence from individuals or organizations writing to support grants funded by the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.

Mr. Justin Blum
FEMA 10-437

2

We conducted a search of the Grants Program Directorate for documents responsive to your request. We are releasing an additional 500 pages to you in this thirteenth interim release. Upon my review, I have determined that these pages are partially releasable pursuant to Title 5 U.S.C. § 552(b)(6) and (b)(7)(E).

Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.


Exemption 7(E) protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. I determined that disclosure of certain portions of the documents could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge. 6 C.F.R. § 5.11(d)(4).

If you need to contact our office concerning this matter, please refer to **FEMA 10-437**. You may contact this office at (202) 646-3323. This office can also be reached by email at FEMA-FOIA@dhs.gov.

Sincerely,



Monique Booker-Kasper
Acting Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: Responsive Documents on CD (500 pages)

Sillah, Alecia

From: Rich, Paula
Sent: Tuesday, November 27, 2012 11:20 AM
To: Sillah, Alecia
Subject: FW: Bloomberg - 10-437

Paula Rich Attorney-Advisor **DHS - FEMA**
(b)(6) (b)(6) Crystal City 420

From: (b)(6) (CTR)
Sent: Thursday, September 27, 2012 9:43 AM
To: Rich, Paula
Subject: RE: Bloomberg - 10-437

Yes, everything is complete, except emails.

From: Rich, Paula
Sent: Thursday, September 27, 2012 9:41 AM
To: (b)(6)
Cc: Booker-Kasper, Monique
Subject: RE: Bloomberg - 10-437

Terrific, thanks, (b)(6)

Does that mean we have processed everything in the file except the e-mails? (If so, I will prioritize to try to close for this FY.)

Thank you!

Paula Rich Attorney-Advisor **DHS - FEMA**
(b)(6) (b)(6) Crystal City 420

From: (b)(6)
Sent: Thursday, September 27, 2012 9:38 AM
To: Rich, Paula
Cc: Booker Kasper, Monique
Subject: RE: Bloomberg - 10-437

Good Morning

Over completed interim's 15 - 20.

• R:\FOIA\Case Files\FY10 FOIA\10-437\10-437 KB\Responsive Documents\Interim Release\Interim Releases for Awarded Apps\Final Release of Awarded Apps
• R:\FOIA\Case Files\FY10 FOIA\10-437\10-437 KB\Responsive Documents\Interim Release\Interim Releases of Apps Not Awarded

Please contact me if you have questions or concerns.

Thanks

From: Rich, Paula
Sent: Monday, September 24, 2012 10:59 AM
To: (b)(6)
Subject: RE: Bloomberg - 10-437

Please submit all at once if you'll have them that soon, Victoria.

Thank you!

Paula

Paula Rich : Attorney-Advisor : **DHS - FEMA**
(b)(6) (b)(6) Crystal City 420

From: (b)(6)
Sent: Monday, September 24, 2012 10:58 AM
To: Rich, Paula
Subject: RE: Bloomberg - 10-437

Good Morning Ms. Paula

I'm moving quickly through Interim releases. Ms. Monique has instructed to coordinate on how to submit releases. How would you like them one by one or submit what I've completed by COB.

Thanks

From: (b)(6)
Sent: Friday, September 21, 2012 11:04 AM
To: Rich, Paula
Subject: RE: Bloomberg - 10-437

Now is OK, what's your good number?

From: Rich, Paula
Sent: Friday, September 21, 2012 11:03 AM
To: (b)(6)
Subject: RE: Bloomberg - 10-437

Hi, Victoria

Sorry the day got away from me yesterday. Is now a good time for you to come by?

Paula Rich : Attorney-Advisor : **DHS - FEMA**
(b)(6) Crystal City 420

From: (b)(6)
Sent: Wednesday, September 19, 2012 1:57 PM
To: Rich, Paula
Subject: RE: Bloomberg - 10-437

Call me after 8:30 - 9am. Thanks

Ofc. (b)(6)

From: Rich, Paula
Sent: Wednesday, September 19, 2012 1:55 PM
To: (b)(6)
Subject: RE: Bloomberg - 10-437

Please tell me what times you are available and I will call you.

Paula Rich, Attorney Advisor : **DHS - FEMA**
(b)(6) (b)(6) Crystal City 420

From: (b)(6)
Sent: Wednesday, September 19, 2012 1:54 PM
To: Rich, Paula
Subject: RE: Bloomberg - 10-437

What's the best time?

From: Rich, Paula
Sent: Wednesday, September 19, 2012 1:50 PM
To: (b)(6)
Subject: RE: Bloomberg - 10-437

Yes, let's talk tomorrow.

Paula Rich, Attorney Advisor : **DHS - FEMA**
(b)(6) (b)(6) Crystal City 420

From: (b)(6)
Sent: Wednesday, September 19, 2012 1:40 PM
To: Rich, Paula
Subject: RE: Bloomberg - 10-437

Right about 4:00pm, can we arrange time tomorrow?

From: Rich, Paula
Sent: Wednesday, September 19, 2012 1:38 PM
To: (b)(6)
Subject: RE: Bloomberg - 10-437

Sorry, I'm not sure if I can make it on Tuesday. I might be able to make it on Wednesday. I'll let you know.

Paula Rich, Attorney-Advisor, **DHS - FEMA**
(b)(6) (b)(6) Crystal City 420

From: (b)(6)
Sent: Wednesday, September 19, 2012 1:37 PM
To: Rich, Paula
Subject: RE: Bloomberg - 10-437

Yes, (b)(6)

From: Rich, Paula
Sent: Wednesday, September 19, 2012 12:06 PM
To: Booker-Kasper, Monique
Cc: (b)(6) (b)(6)
Subject: RE: Bloomberg - 10-437

Yes, that would be great. Thanks, Monique.

(b)(6) what is your schedule like? You're at CC on 4th fl., too?

Paula Rich, Attorney-Advisor, **DHS - FEMA**
(b)(6) (b)(6) Crystal City 420

From: Booker-Kasper, Monique
Sent: Wednesday, September 19, 2012 12:04 PM
To: Rich, Paula
Cc: (b)(6)
Subject: RE: Bloomberg - 10-437

Paula,

Can you please meet with the analyst, (b)(6) to provide clarification on the responsive documents? I apologize for the confusion and appreciate your assistance.

Monique

Monique R. Booker-Kasper
Acting Chief, Disclosure Branch
Records Management Division
Federal Emergency Management Agency
U.S. Department of Homeland Security
(b)(6) [dhs.gov](mailto:(b)(6)@dhs.gov)
Office: (b)(6)

From: (b)(6)
Sent: Wednesday, September 19, 2012 10:13 AM
To: Booker Kasper, Monique
Cc: (b)(6)
Subject: RE: Bloomberg - 10-437

cc: (b)(6)

I completed 11th Interim Release Awarded Apps and will be submitting the blue folder to Lynette for 1st line review.
Thanks

From: Booker-Kasper, Monique
Sent: Wednesday, September 19, 2012 9:30 AM
To: (b)(6)
Cc: Simon, Alecia; (b)(6)
Subject: FW: Bloomberg - 10-437

Good Morning (b)(6)

This should have been the last release for the Bloomberg case. Please review the file for the signed response letters to be sure. Let me know if you have questions.

Monique

Monique R. Booker-Kasper
Acting Chief, Disclosure Branch
Records Management Division
Federal Emergency Management Agency
US Department of Homeland Security
(b)(6)@dhs.gov
Office: (b)(6)

From: Rich, Paula
Sent: Tuesday, July 10, 2012 11:14 AM
To: Booker-Kasper, Monique
Subject: Bloomberg - 10-437

Monique,

I have reviewed the 14th installment of the Bloomberg release. The changes are in my comments on: TRB Bracketed & Comments - SCG Awards 14th Release pgs 3002 to 3501.

I'm not sure who to direct case handling to on this, so I hope you can guide me please. (If you recall, I sent you the 13th installment last week, too.)

As far as I can tell, I am caught up with OCC review of Bloomberg. Seems it's time for an Analyst to start bracketing the remaining releases.

Thanks much!

Paula

Paula Rich
Attorney-Advisor
Office of Chief Counsel
Federal Emergency Management Agency (FEMA)
1800 South Bell Street, (b)(6)
Crystal City, VA 20598-3005
Office: (b)(6)
Mobile: (b)(6)

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Sillah, Alecia

From: Sillah, Alecia
Sent: Monday, November 26, 2012 12:24 PM
To: Rich, Paula
Cc: Booker-Kasper, Monique
Subject: 10-437. Bloomberg Status

Hi Paula,

I have the fifteenth interim release for Bloomberg in my office. The first-line processor, (b)(6) worked with you directly on the recent releases.

The last notation on the file from you was in September 2012. By chance, do you have any recent notations for reviewing this file? If not, let me know when you'll be back in the office, and I'll pass the file to you.

In addition, it is unclear whether this fifteenth release is, in fact, the final release. I tried to follow the nomenclature of the R-drive file and cannot make a definitive decision on it. If you confirm this is the final release, I can modify the letter to reflect this.

Thanks.

Alecia S. Sillah
FOIA Team Lead
Disclosure Branch (FOIA Office)
Records Management Division
Federal Emergency Management Agency (FEMA)
U.S. Department of Homeland Security

(b)(6) @dhs.gov

(b)(6) Desk
(b)(6) BlackBerry

Bloomberg
FINANCIAL MARKETS
COMMODITIES
NEWS

MU 001

Federal Emergency Management Agency
FOIA Officer
500 C Street SW, Room 840
Washington, DC 20472

April 26, 2010

BY MAIL AND FAX

To Whom It May Concern:

Pursuant to the Freedom of Information Act, 5 U.S.C. Section 552 et seq ("FOIA"), I hereby request that I be allowed immediate access to, or in the alternative, copies of the following documents:

1. Any and all documents showing how peer evaluators ranked applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act. This includes applications that received funding, along with those that did not.
2. Any and all e-mails, memos and other internal correspondence relating to applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
3. Any and all correspondence between FEMA and those who unsuccessfully applied for funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
4. Any and all documents showing how FEMA selected fire stations to receive funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
5. Any and all correspondence from individuals or organizations writing to support grants funded by the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.

I am a reporter for Bloomberg News, an accredited and recognized newsgathering organization, and request the Records in order to inform the public about matters of public concern.

Because FEMA is a governmental entity within the definitions set forth by Section 552(f) of the FOIA, please state in writing within 20 (twenty) days of this letter pursuant to Section 552(a)(6)(A)(i). If you decide to withhold any Record(s) or redact any information from the Record(s), please state the legal basis you assert for so deciding, pursuant to Section 552(b).

We agree to pay reasonable fees for the Records, including actual costs up to \$250. If you choose to make the Records available but your estimate is that actual costs will exceed this amount, please contact me so that I may make the appropriate arrangements for payment. Please contact me if I may expedite your office's satisfaction of its obligations under the FOIA.

Sincerely,



Justin Blum
Bloomberg News
1399 New York Ave. NW, 11th Floor
Washington, D.C. 20005

(b)(6)

AMSTERDAM
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WILMINGTON
ZURICH

Request



FEMA

Justin Blum
Reporter
Bloomberg News
1399 New York Ave. NW, 11th Floor
Washington, DC 20005

APR 28 2010

Re: FEMA 10-437

Dear Mr. Blum:

This acknowledges receipt of your April 26, 2010, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). Your request was received in this office on April 26, 2010. You requested copies of the following documents:

1. Any and all documents showing how peer evaluations ranked applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act. This includes applications that received funding, along with those that did not.
2. Any and all e-mails, memos and other internal correspondence relating to applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
3. Any and all correspondence between FEMA and those who unsuccessfully applied for funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
4. Any and all documents showing how FEMA selected fire stations to receive funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
5. Any and all correspondence from individuals or organizations writing to support grants funded by the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS interim FOIA regulations as they apply to media requestors. As a media requestor you will be charged 10-cents a page for duplication, although the first 100 pages are free. You stated in your request that you are willing to pay assessable fees up to \$250. You will be contacted before any additional fees are accrued.

We have queried the appropriate component of FEMA for responsive records. If any responsive records are located, they will be reviewed to determine if they are releasable. We appreciate your patience as we proceed with your request.

More information concerning the FOIA and implementing DHS regulations is available on-line at: www.dhs.gov/xfoia/editorial_0318.shtm.

Your request has been assigned reference number **FEMA 10-437**. Please refer to this identifier in any future correspondence. You may contact this office at 202-646-3323 or by e-mail at FEMA-FOIA@dhs.gov.

Sincerely,

(b)(6)

Senior FOIA Specialist
Disclosure Branch
Records Management Division

[REDACTED]

From: (b)(6)
Sent: Thursday, August 12, 2010 7:49 AM
To: Dunn, Carolyn
Cc: Hines, Tammi
Subject: FW: RE:FOIA Request # 10-437
Attachments: 10-437 Request.pdf; Fee Schedule, Exemptions (2 Pages).pdf; FOIA Suspense Tracker (24).pdf; exemption sheet.pdf

Good morning, Carolyn. I am resending this request to you. I hope you can expedite processing of this request. Thank you! Mercedes

(b)(6)
Disclosure Branch
Office of Records Management
Management Directorate
Tel. (b)(6)

From: Hines, Tammi [mailto:(b)(6)@dhs.gov]
Sent: Wednesday, August 11, 2010 6:21 PM
To: Dunn, Carolyn
Cc: (b)(6)
Subject: FW: RE:FOIA Request # 10-437
Importance: High

Carolyn,

Have the responsive records for 10-437 been located? This is the tasker package that our office sent to Jennifer

(b)(5)
[REDACTED]

Tammi Hines
Acting Director
Records Management Division
Federal Emergency Management Agency
U.S. Department of Homeland Security
1800 S. Bell Street, Mail Stop 3005
Arlington, VA 20598-3005
Telephone: (b)(6)

From: Dunn, Carolyn
Sent: Wednesday, August 11, 2010 5:37 PM
To: Hines, Tammi
Subject: FW: RE:FOIA Request # 10-437

Tammi:

I never received the FOIA request packages from you office but I went ahead and forwarded your email to staff. Here is what I found out about the 10-437 request

=====

Carolyn P. Dunn

Executive Officer
FEMA Grant Programs Directorate
US Department of Homeland Security

Office (b)(6)

Cell (b)(6)

From: Patterson, Catherine
Sent: Wednesday, August 11, 2010 5:30 PM
To: Dunn, Carolyn
Subject: FW: RE:FOIA Request # 10-437

Here is what I know about 10-437. We have a "heads up" on the other one but have not received the official request yet.

Cathie

From: Vaughn, Sabrina R [mailto:(b)(6)@dhs.gov]
Sent: Wednesday, August 11, 2010 3:40 PM
To: Patterson, Catherine
Subject: FW: RE:FOIA Request # 10-437

fyi

From: (b)(6)
Sent: Monday, August 09, 2010 5:08 PM
To: Robinson, Jennifer
Cc: Moglia, Dena; Vaughn, Sabrina R
Subject: RE:FOIA Request # 10-437

(b)(5)

(b)(6) Fire Program Specialist
US Department of Homeland Security FEMA
Grants Programs Directorate
(b)(6) - (b)(6)
Techworld Bldg. -South Tower 5th Floor
800 K St NW, Washington, DC 20472-3620
Office Number: (b)(6)
Cell Number: (b)(6)
Fire Grants Help Desk: 1-866-274-0960

Tracking:

From: Byrd, Pauline
Sent: Wednesday, June 30, 2010 8:57 AM
To: (b)(6)@bloomberg.net
Cc: FEMA-FOIA
Subject: RE: Update

Good Morning Mr. Blum -

I am writing in reference to your FOIA request 10-437, which our office received on April 26, 2010.

Mr. (b)(6) has informed me that you had questions regarding the statutory requirements in responding to the FOIA.

We have received your FOIA request, and have reached out to the program office on April 28, 2010 for a search of responsive documents. To date, we have not yet received responsive documents from the program office, but have been following up on the status.

FEMA has adopted the court-sanctioned practice of handling backlogged FOIA requests on a "first-in, first-out" basis. Once we receive documents from the program office, we will be able to determine if your FOIA request can be placed in the simple or complex queue for review.

If you have any questions, please do not hesitate to contact myself or Kirby Rowe.

Thank you,

(b)(6)
Senior FOIA Specialist
Disclosure Branch
Records Management Division

From: JUSTIN BLUM, BLOOMBERG/ NEWSROOM: [mailto:(b)(6)@bloomberg.net]
Sent: Tuesday, June 22, 2010 9:39 AM
To: FEMA-FOIA,
Subject: Re:Update

Mr. (b)(6)

Thanks for your reply. However, your e-mail doesn't answer the question I posed when we last spoke. Under FOIA law, your agency has 20 days to respond to my request. In certain circumstances, agencies can request an additional 10 days. FEMA never requested the additional 10 days. More than 30 days have now passed since my original request. What is the legal basis for failing to respond to my request under the time required by law? When does FEMA plan to respond to my request? If you're unable to answer these questions, please direct me to a supervisor who can.

Thanks,
Justin Blum
Bloomberg News

(b)(6)

From: Fema-Foia<Fema-FOIA@dhs.gov>

To: JUSTIN BLUM, BLOOMBERG/ NEWSROOM;
Subject: Update
Date: 6/22/2010 8:45:42

Hello Mr. Blum,

The FOIA is still in the Program Office for the search of responsive documents. I will keep you updated on the progress.

Thank you,

(b)(6)
Front Rowe, Inc., Contractor
Federal Emergency Management Agency
(b)(6) FEMA Crystal City
1800 South Bell Street
Arlington, VA 22202
Phone: (b)(6)
Fax: (202)646-3347
Email: (b)(6)@associates.dhs.gov

FEMA 10-437
Justin Blum/Bloomberg News
 Responsive Document File Management Report

Folder I: Evaluation Criteria

File Name	No. Pages	Summary of Content
FSCG Evaluation Criteria_cb_v2	4	These are technical evaluation scoring guides used to assess fire construction grant award applicants.
FSCG Evaluation Criteria_cb_v2 pt. 2	4	These are technical evaluation scoring guides used to assess fire construction grant award applicants.
FSCG Panelist Evaluation-Score Sheet-final edited mp	2	2009 Panelist Final Evaluation Score sheets to determine final scores for applicants.
Total: 3	Total: 10	

Note: The above-listed documents were released as first interim on November 16, 2010.

Folder II: Congressional Letters

File Name	No. Pages	Summary of Content
FOIA Letters	2,895	This file contains letters from senators and congressmen writing in support of their respective state's fire departments applications for grant monies from the Assistance to Fire Station Construction Grants program.
Total: 1	Total: 2,895	

Note: Pages 1-500 of the above-listed document were released as second interim on February 14, 2011. There are 2,395 pages remaining for review/release.

Folder III: Emails Rec'd 11-23-10

File Name	No. Pages	Summary of Content
Add'l Emails Part 1	2,000	These files consist primarily of emails regarding applications for grants under the A.R.R.A, received from numerous fire stations. Contractors working with McKing Consulting were assisting applicants with completing their applications accurately and on time. Though the request did specifically ask for any and all emails regarding the applications, the substance of these emails essentially reveal very little pertinent information. Key names involved in these files include primarily contractors and Fire Chief/Assistant Fire Chiefs representing numerous states.
Add'l Emails Part 2	2,000	
Add'l Emails Part 3	2,000	
Add'l Emails Part 4	2,000	
Add'l Emails Part 5	963	
Total: 5	Total: 8,963	

Folder IV: FSCG Award Applications

File Name	No. Pages	Summary of Content
2009 SCG Awards	4,065	Copy of applications of successful applicants for FSCG funding.
Total: 1	4,065	

Folder V: Miscellaneous

File Name	No. Pages	Summary of Content
2009 FSCG Guidance	46	This file is the guidance and application kit for A.R.R.A. Fire Construction Grant applicants.
Total: 1	Total: 46	

Mr. Justin Blum
Reporter
Bloomberg News
1399 New York Avenue, NW
11th Floor
Washington, D.C. 20005

Re: **FEMA 10-437**
Fourteenth Interim Response

Dear Mr. Blum:

This is the tenth interim response to your April 26, 2010, Freedom of Information request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). You requested copies of the following documents:

1. Any and all documents showing how peer evaluators ranked applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act. This includes applications that received funding, along with those that did not.
2. Any and all e-mails, memos and other internal correspondence relating to applications for the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
3. Any and all correspondence between FEMA and those who unsuccessfully applied for funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
4. Any and all documents showing how FEMA selected fire stations to receive funding under the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.
5. Any and all correspondence from individuals or organizations writing to support grants funded by the Fire Station Construction Grant Program funded by the American Recovery and Reinvestment Act.

Mr. Justin Blum
FEMA 10-437

2

We conducted a search of the Grants Program Directorate for documents responsive to your request. We are releasing an additional 500 pages to you in this fourteenth interim release. Upon my review, I have determined that these pages are partially releasable pursuant to Title 5 U.S.C. § 552(b)(6).

Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge. 6 C.F.R. § 5.11(d)(4).

If you need to contact our office concerning this matter, please refer to **FEMA 10-437**. You may contact this office at (202) 646-3323. This office can also be reached by email at FEMA-FOIA@dhs.gov.

Sincerely,

Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau

Enclosure: Responsive Documents on CD (500 pages)

(Date)

RECEIPT OF DOCUMENTS FROM FEMA GRANTS (GPD)

I, (b)(6) Deputy Associate Chief Counsel, OCC, (Information Law Branch), am in receipt of two (2) Xerox size boxes of documents from Jennifer Robinson, of Grants, FOIA POC, which boxes contain PEER evaluations as requested by the Bloomberg FOIA request.

These have been received by me on 9th (day) of June (month), 2011.

Signed:

(b)(6)