



Document: NA
Document Date: 11/01/2012
Author: JOHNSON M
Addressee: RIEHLE D

Actionee: Dorothy Riehle
Due Date: NO ACTION

Title: Re: Freedom Of Information Act Request

<u>DIR</u>	<u>DIV</u>	<u>NAME</u>	<u>DIR</u>	<u>DIV</u>	<u>NAME</u>
MGR			AMRP		
DEP			AMRP	CPD	
AMB			AMRP	RCD	
AMB	BUD		AMSE		
AMB	FIN		AMSE	EMD	
AMB	HRM		AMSE	OOD	
AMB	PRO		AMSE	SED	
AMMS			OCC		
AMMS	SES		OCE		Riehle, Dorothy (Actionee)
AMMS	ISI		ORP		
AMMS	PIC		PNSO		
AMMS	SSD		RLCI		

Comments: Original to D. Riehle.

Records Schedule Information:
ADM-1.28.1

Scan?: Yes Sensitive?: Yes

Sensitive Attachments?:

IDMS Folder: RL General Corr

Date RL CC Rec'd: 11/06/2012

**If No Action has been assigned to this document and one is needed,
please advise RL Correspondence Control.**

C O L U M B I A



R I V E R K E E P E R

Clean Water • Healthy Rivers • Our Future

Columbia Riverkeeper
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November 1, 2012

U.S. Department of Energy
Richland Operations Office and Office of River Protection
Attn: Dorothy Riehle, Freedom of Information Act Officer
P.O. Box 550
Richland, Washington 99352
Email: Dorothy.Riehle@rl.doe.gov

Via Certified Mail and Email

RE: Freedom of Information Act Request

Dear Dorothy Riehle:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, *as amended*, Columbia Riverkeeper (Riverkeeper) hereby requests the records described herein maintained by, or within the control of, the U.S. Department of Energy (DOE). Riverkeeper is a 501(c)(3) non-profit organization whose mission is to protect and restore the Columbia River and all life connected to it, from the headwaters to the Pacific. To achieve this objective, Riverkeeper operates scientific, educational, and advocacy programs aimed at protecting water quality and habitat in the Columbia River Basin. Riverkeeper submits the following FOIA request to advance its mission of protecting and restoring the Columbia River, which is threatened by proposed industrial development on part of the Hanford Site. *See DOE Notice of Intent to Prepare an EA for Hanford Land Disposal*, 77 Fed. Reg. 58,112 (Sept. 19, 2012).

Request for Government Records

DOE proposes to convey roughly 1,641 acres of the Hanford Site to the Tri-City Development Council (TRIDEC), which would use the land for industrial and energy development. 77 Fed. Reg. 58,112. In the future, TRIDEC intends to request several more parcels of land at the Hanford Site for industrial development.¹ Riverkeeper seeks information from DOE about the specific developments and types industries that TRIDEC intends to locate on the land in question, and information on the possibility of future, similar land conveyances. Specifically, Riverkeeper requests:

¹ See TRIDEC, *Proposal to Transfer Tract 1 at Department of Energy Hanford Site to the Community Reuse Organization Tri-City Development Council (TRIDEC) for Economic Development*, Cover Letter from Carl Adrian (May 31, 2011).

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DOE-RLCC

1. All records containing any information regarding planned or potential future uses of, or developments on, the 1,641 acres that DOE currently proposes to convey to TRIDEC pursuant to 77 Fed. Reg. 58,112.
2. All records containing any information regarding other potential future conveyances or transfers of land at the Hanford Site from DOE to non-federal entities (excluding the 1,641 acres that DOE currently proposes to convey to TRIDEC pursuant to 77 Fed. Reg. 58,112).

For the purposes of this FOIA request, "records" mean all records, documents, or recorded information, in whatever form, whose disclosure is not expressly prohibited by law, including (without limit) correspondence to, from, or among DOE employees, memoranda, notes, draft documents, reports, meeting minutes, "e-mail" messages, and/or electronic files.

This request also applies to any non-identical duplicates of records that, by reason of notation, attachment, or other alteration or supplement, include any information not contained in the original record. Additionally, this request is not meant to be exclusive of other records which, though not specifically requested, would have a reasonable relationship to the subject matter of this request.

If you should withhold or redact any of the requested information, we request that you: (i) identify each document or record with particularity (including title, subject, date, author, recipient, and parties copied), (ii) fully and specifically explain the legal justification for withholding or redacting each document or record, and (iii) provide us with any segregable portions of the documents or records for which you do not claim a specific exemption.

Please provide electronic copies whenever possible.

Request for Fee Waiver

Riverkeeper seeks a fee waiver pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). A fee waiver is appropriate because Riverkeeper will use the information obtained through this FOIA request to inform the public about potential impacts to the Hanford Site and the Columbia River. FOIA's fee waiver provision states: "[d]ocuments shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." *Id.*

Disclosure of the requested documents will significantly contribute to public understanding of DOE's operations and the potential impacts of the proposed land conveyance and resulting industrial development. This request is not in the commercial interest of Riverkeeper, a non-profit organization.

Specifically, the disclosed documents will illuminate in a clear and direct way the potential impacts of current proposals to dispose of publicly-owned land and intensify industrial development along the Columbia River. Presenting information gained through Riverkeeper's FOIA request is in the public interest because it will expand the public's understanding of industrial development proposals affecting the Columbia. Riverkeeper closely monitors water quality and works to improve fish and wildlife habitat in the Columbia, particularly for ESA-listed species. In turn, Riverkeeper is requesting these documents from the DOE to expand public awareness of activities that may impact the Columbia and to encourage public participation in government.

Riverkeeper has expertise in reviewing and disseminating information received through FOIA requests. A central focus of our organization is presenting such information to the public. Riverkeeper presents information to the public through our website, newsletters, e-newsletters, public action alerts, public reports, media, and public presentations. For example, Riverkeeper regularly presents information on the Columbia River, including Hanford issues, at elementary and high schools, community colleges, public meetings, at Riverkeeper public events, and in front of government bodies. Riverkeeper's fee waiver request will benefit the general public: this information will alert people across Oregon and Washington to the potential impacts of conveying land at the Hanford Site to TRIDEC for industrial development.

Again, the disclosed material will be disseminated solely for the purpose of informing and educating the public and will not be used for commercial gain. Riverkeeper intends to disseminate the information gleaned from the disclosed documents through an array of effective channels.

If a fee waiver is not granted, Riverkeeper asks that DOE provide a cost estimate prior to completing this request. Please contact me at (541) 272-0027 or miles@columbiariverkeeper.org if you have any questions about this FOIA request. Thank you in advance for working with Riverkeeper to advance government transparency.

Sincerely,

A handwritten signature in black ink, appearing to read 'Miles Johnson', with a long horizontal flourish extending to the right.

Miles Johnson
Clean Water Attorney, Columbia Riverkeeper