



UNITED STATES DEPARTMENT OF COMMERCE
Economic Development Administration
Washington, DC 20230

August 17, 2016

Via email

Richard Lucas
President of the Board
Mount Shasta Bioregional Ecology Center
P.O. Box 1143
Mount Shasta, CA 96067
richard@shastavisions.com

Dear Mr. Lucas:

This letter is in further response to your Freedom of Information Act (5 U.S.C. § 552) ("FOIA") request dated January 9, 2015 that was received on January 12, 2015 by the Economic Development Administration ("EDA").

Per your request, you seek a copy of the following records:

1. Any subsequent amendments or updates to the application submitted to the EDA by or on behalf of the City of Mount Shasta and Crystal Geysers (listed as primary beneficiary) for funding to carry out the improvement of a sewer pipeline and to provide new jobs to the community.

The stated purpose of the Project is to:

- expand its capacity for current and future growth in the community
- to prevent storm water from leaking into the existing sewer pipe
- to eliminate manhole leaking
- to accommodate Crystal Geysers' wastewater
- to add 2 new wastewater treatment ponds
- to add 150 new jobs to the community

2. All the documents, including legal documents, maintained in the EDA's project file for the above-mentioned grant not already sent in early December 2014.

3. *All communications from December 7, 2014 through present (and additionally including items italicized in #4. below).* among the City of Mount Shasta, or its employees, officers, or

contractors, Crystal Geyser, CGWA or Otsuka Pharmaceuticals or its employees, officers, contractors or attorneys, all emails, correspondence, and handwritten notes referencing phone conversations regarding communication among EDA (Seattle, Washington and Sacramento branches), California Department of Fish & Wildlife representatives, Siskiyou County Planning Director Greg Pluckett or Richard Tinsman, Siskiyou Economic Development Council representatives, NorthState Resources, PACE Engineering, letters of support and all communications from Senator Diane Feinstein, Senator Barbara Boxer, former Congressman Wally Herger, Congressman Doug LaMalfa and any other communications from other agencies regarding the EDA grant.

4. All internal communications among employees and/or officials of the EDA regarding the grant. 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. *Apparently according to a recent conversation with Shannon Fitzgerald she recalled that there may be additional records of emails pertaining to the grant that were not previously sent since laptop computers were used by staff prior to the October 2013 operation systems upgrade post malware infection. I am told these are in storage but accessible by your IT staff and would date from 2012 through October 2013.*

On February 12, 2015, EDA, as an interim response to your request, disclosed 168 pages of documents.

At this time, EDA is releasing a **final response** to your inquiry. Unfortunately, EDA does not have any other responsive records related to your FOIA request. Therefore, we are closing your FOIA request (File No. HQ 15-06 cross referenced to FOIAonline File no. DOC-EDA-2015-000720). Please note that we received your letter informing us that the W.A.T.E.R. group is no longer under your organization's umbrella. For your information, EDA received a subsequent FOIA request from Frank Toriello of W.A.T.E.R. on November 30, 2015; we provided an interim release of documents on January 8, 2016 and will be providing a final release of responsive documents shortly.

You have the right to file an administrative appeal within 90 days of the date of this letter. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency's decision.

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact our FOIA Public Liaison Stephen D. Kong for assistance at:

1401 Constitution Ave. NW, Suite 72023 Washington, DC 20230
202-482-4687
Skong@eda.gov

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road—OGIS
College Park, MD 20740-6001
ogis@nara.gov
ogis.archives.gov
202-741-5770
877-684-6448

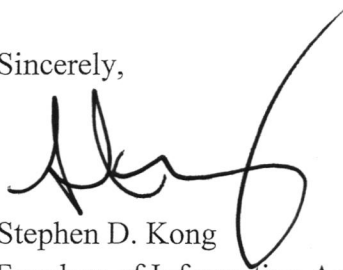
Again, pursuant to 15 CFR § 4.10, you have the right to appeal an adverse determination with respect to your FOIA request (as described under 15 CFR § 4.7(b)) by filing either a written or electronic appeal with the Assistant General Counsel for Litigation, Employment and Oversight. A written or electronic appeal must be received within 90 calendar days of the date of this response letter by the Office of Assistant General Counsel for Litigation, Employment and Oversight, Room 5875, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Your appeal may also be sent by e-mail to FOIAAppeals@doc.gov, by facsimile to (202) 482-2552, or via FOIAonline (if you have a FOIAonline account) at <https://foiaonline.regulations.gov/foia/action/public/home>. The appeal must include a copy of the original request, the response to the request and a statement of the reason why withheld records should be made available and why denial of the records was in error. The submission, whether by e-mail, facsimile or FOIAonline, is not complete without the required attachments. The appeal letter, the envelope, the e-mail subject line, and the fax cover sheet should all be

clearly marked "Freedom of Information Act Appeal." The email, FOIAonline, and fax machine in the Office of the Assistant General Counsel for Litigation, Employment and Oversight are monitored only on working days during normal business hours (8:30 a.m. to 5:00 p.m., Eastern Time, Monday through Friday). FOIA appeals posted to the e-mail box, fax machine, FOIAonline, or Office after normal business hours will be deemed received on the next normal business day.

Please contact my office at (202) 482-4687 if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Kong", with a long, sweeping flourish extending upwards and to the right.

Stephen D. Kong
Freedom of Information Act Officer