

February 28, 2019

U.S. Department of Commerce
Economic Development Administration
FOIA and Privacy Act Officer
14th and Constitution Avenue, NW Room 72023
Washington, D.C. 20230

Re: Freedom of Information Act (FOIA) Request

To Whom It May Concern:

I submit this request for records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 and 15 C.F.R. § 4.1 *et seq.* I request that a copy of the records detailed below be provided to me. I do not wish to inspect the records first.

I seek any and all records, as that term is defined under FOIA (5 U.S.C. § 552(f)(2)), and applicable case law (*see, e.g., Forsham v. Harris*, 455 U.S. 169, 193 (1980)), existing in any format whatsoever, including, but not limited to, written correspondence, email correspondence, records of telephone correspondence, records pertaining to in-person meetings, calendar or scheduling entries, videotapes, photographs, computer print-outs, telephone messages, or voice mail messages regarding the AltaSea at the Port of Los Angeles (AltaSea; DUNS: 026999422) between July 1, 2015 to the present.

In particular, I request the following:

- Any and all correspondence between Sandra Whitehouse and the EDA regarding AltaSea, including but not limited to emailed to and/or from swhitehouse@growsmartri.com as well as emails to and/or from the domain altasea.org;
- Any and all correspondence between Sen. Sheldon Whitehouse and the EDA regarding AltaSea, including but not limited to emails to and/or from sheldonwhitehouse@yahoo.com as well as emails to and/or from the domains whitehouseforsenate.com and whitehouse.senate.gov;
- Any and all correspondence between Sen. Sheldon Whitehouse's staff and the EDA regarding AltaSea, including but not limited to correspondence to and/or from the domain whitehouse.senate.gov.

Notice is hereby given that I am requesting these records as an "Other Requester[]" within the meaning of 5 U.S.C. § 552(a)(4)(A)(ii)(III) and 15 C.F.R. §4.11(c)(1)(iv).

Notice is hereby given that I am willing to pay the appropriate fees incurred and assessed for the "document search and duplication" of the agency records responsive to this request. 5 U.S.C. § 552(a)(4)(A)(ii)(III); see also 15 C.F.R. §4.11(c)(1)(iv).

Please search for responsive records regardless of format, medium, or physical characteristics. I request that responsive records be produced in native format, or the format most felicitous to an expedited production. Upon receipt of this request, please take all reasonable steps to preserve relevant public records while the request is pending.

If it is your position that any portion of the requested records is exempt from disclosure, I request that you provide a *Vaughn* index of those documents. See *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). As you are aware, a *Vaughn* index must describe each document claimed as exempt with sufficient specificity "to permit a reasoned judgment as to whether the material is actually exempt under FOIA." *Founding Church of Scientology v. Bell*, 603 F.2d 945, 959 (D.C. Cir. 1979). Moreover, the *Vaughn* index must "describe each document or portion thereof withheld, and for each withholding it must discuss

the consequences of supplying the sought-after information.” *King v. U.S. Dep’t of Justice*, 830 F.2d 210, 223–24 (D.C. Cir. 1987).

In the event that some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable, non-exempt portions of the requested records. See 5 U.S.C. § 552(b). Pursuant to regulation, please clearly delineate any and all redactions in such a manner so that the justification for each redaction is apparent. See 15 C.F.R. §4.7(c)(3). If it is your position that a document contains non-exempt segments and that those non-exempt segments are so dispersed throughout the documents as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed through the document. *Mead Data Cent. v. U.S. Dep’t of the Air Force*, 455 F.2d 242, 261 (D.C. Cir. 1977). Claims of non-segregability must be made with the same detail as required for claims of exemptions in a *Vaughn* index. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

If you have any questions about this request, please do not hesitate to contact me by phone at (202) 656-5175 or by email at foia@legacyfoundation.us. If records are available in electronic format please email the documents to foia@legacyfoundation.us. If not, please send the requested documents to my attention at:

The Legacy Foundation
Nathaniel C. Serslev
600 Fourth Street, Suite 360
Sioux City, IA 51101

Because of the time-sensitive nature of this request, I ask that you strictly comply with the 20-day time limit established by FOIA and applicable Department of Commerce regulations. See 5 U.S.C. § (a)(6)(A); 15 C.F.R. § 4.6(b). Please be advised that once this 20-day period has expired, you are deemed to have constructively denied this request, and I will consider the internal appeals process to be constructively exhausted. See, e.g., *Citizens For Ethics And Responsibility In Government v. Fed. Election Comm’n*, 711 F.3d 180 (D.C. Cir. 2013). I also respectfully request that documents be made available as soon as they are located and reviewed via a rolling production. I will undertake to pay any and all reasonable increased costs incurred as part of a rolling production.

Sincerely,



Nathaniel C. Serslev