

November 30, 2015

U.S. Economic Development Administration  
Stephen Kong, Bureau Counsel  
14th & Constitution Avenue NW  
Mail Stop 5875 HCHB  
Washington, D.C. 20230  
Email : skong@EDA.gov  
Via Email

RE: Freedom of Information Act Request

Dear Mr. Kong:

We Advocate Thorough Environmental Review (W.A.T.E.R.) was originally a special project under the auspices of the Mount Shasta Bioregional Ecology Center (MSBEC). W.A.T.E.R. formally incorporated as a 501(c)(3) in 2015. W.A.T.E.R. is a grass roots California nonprofit organization established to promote quality local and regional planning, land use and development, as well as to preserve a healthy human and natural environment within the Siskiyou County area.

W.A.T.E.R. submits the following FOIA request to advance its mission of protecting the Mount Shasta area from air and water pollution, as well as protecting the water quality and quantity delivered to people and wildlife locally and downstream via the Sacramento River.

This is a follow up FOIA request.

As you know, Michelle Branigan responded to the first two requests made through MSBEC and you responded to a third request from MSBEC on February 18, 2015. We are grateful for the former fee waiver and trust that this will again be approved. Please let us know if there is any further information we need to provide to be eligible for this fee waiver.

**Thank you for reviewing the following:**

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, as amended, We Advocate Thorough Environmental Review (W.A.T.E.R.) hereby requests the records described herein maintained by, or within the control of, the U.S. Economic Development Administration (EDA).

**Request for Government Records:**

W.A.T.E.R. seeks public information regarding a \$3 million federal Economic Development Administration (EDA) grant that was awarded to the City of Mount Shasta in September of 2013 (award number 07-79-07000). On or about December 19, 2014 the EDA placed a hold on the grant' by stating: "Therefore, after review the City's budget revision request and with consideration of the original intent of the EDA grant award, EDA is not in a position to approve the proposed budget revision."

On or about August 20, 2015 Mount Shasta's amended "**EDA-FUNDED WASTEWATER TREATMENT PLANT IMPROVEMENTS PROJECT DESCRIPTION**" was submitted for approval of grant funding.

W.A.T.E.R. requests the following information under the Freedom of Information Act:

1. Any subsequent amendments or updates to the repurposed grant application submitted to the EDA by or on behalf of the City of Mount Shasta and by Crystal Geysler (still primary beneficiary although not listed) for funding to carry out the improvement of the wastewater treatment plant and to provide new jobs to the community.
2. All the documents, including legal documents, maintained in the EDA's project file for the above-mentioned grant originating on or after January 1, 2015.
3. *All communications from January 1, 2015 through present* among the City of Mount Shasta, or its employees, officers, or contractors, Crystal Geysler, CGWA or Otsuka Pharmaceuticals or its employees, officers, contractors or attorneys, all emails in original format, including attachments to those 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 Plucker or Richard Tinsman, Siskiyou Economic Development Council representatives, NorthState Resources, PACE Engineering, ENPLAN, CPUC, letters of support and all communications from Senator Dianne 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.

If the EDA does withhold or redact any responsive documents, W.A.T.E.R. requests that the EDA:

- (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 any segregable portions of the documents or records.

W.A.T.E.R. requests electronic copies where available.

**Request for Fee Waiver:**

W.A.T.E.R., previously a project of MSBEC, seeks a fee waiver pursuant to 5 U.S.C. §552(a)(A)(iii). A fee waiver is appropriate because W.A.T.E.R. will use the information obtained through this FOIA request to inform the public about the proposed "Environmental Assessment for the Mount Shasta Wastewater Plant Improvements Project," and the secondary effects of the

proposed Crystal Geysers beverage bottling proposal, i.e., the effects of increased groundwater pumping on neighborhood wells, the effects of increased effluent to the leach fields, the wastewater treatment plant and Sacramento River, and the potential effects on the Mount Shasta City Park's Big Springs, Headwaters of the Sacramento 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." Disclosure of the requested documents will significantly contribute to the public understanding of the EDA's, the City of Mount Shasta, Siskiyou County, California state agencies', and Crystal Geysers' operations and of the potential impact of this proposed project and the development it may facilitate. ***This request is not in the commercial interest of W.A.T.E.R., a 501(c)(3) non-profit organization.***

Specifically, the disclosed documents may illuminate the kinds of activities that the City of Mount Shasta and Crystal Geysers are contemplating -- activities that EDA funding would partially facilitate. Presenting information gained through W.A.T.E.R.'s FOIA request is in the public interest because it will expand the public's understanding of industrial development proposals affecting the Mount Shasta sphere of influence and how the EDA decides to provide financial assistance for those proposals.

In turn, W.A.T.E.R. is requesting these documents from the EDA to expand public awareness of activities that impact the Mount Shasta area and to encourage public awareness of government operations.

W.A.T.E.R. organization has expertise in reviewing and disseminating information obtained through PRA/FOIA requests. Presenting such information to the public is a central focus of our organization. W.A.T.E.R. presents information to the public through our website, newsletters, e-newsletters, public action alerts, public reports, media, and public presentations. For example, W.A.T.E.R. regularly presents information on local environmental issues at public meetings, at W.A.T.E.R. public events, and in front of government bodies. Accordingly, waiving W.A.T.E.R.'s FOIA fees will benefit the general public by leading to an increased awareness of the impacts of development projects in the Mount Shasta bioregion.

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. W.A.T.E.R. intends to disseminate the information gathered from the requested documents through an array of effective channels.

If W.A.T.E.R.'s 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. W.A.T.E.R. reserves the right to appeal your decision to withhold any information or to deny a waiver of fees.

If a fee waiver is not granted, W.A.T.E.R. asks that the EDA provide a cost estimate prior to completing this request. Please contact us at 530-918-8805 or via email if you have any questions about this FOIA request.

Sincerely,

Frank Toriello, Board Member of W.A.T.E.R.  
PO Box 873  
Mount Shasta, California 96067  
[mountshastawater@gmail.com](mailto:mountshastawater@gmail.com)

Include attachment

1. EDA denial letter.pdf
2. MSBEC letter of support.