



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
HUMPHREYS ENGINEER CENTER SUPPORT ACTIVITY
7701 TELEGRAPH ROAD
ALEXANDRIA, VA 22315-3860

IN REPLY REFER TO:

Office of Counsel

June 2, 2020

Austin Evers
Executive Director
American Oversight
1030 15th Street NW, Suite B255
Washington, DC 20005

Dear Mr. Evers,

This letter is in regards to six FOIA requests submitted by you to the Humphreys Engineer Center Support Activity (HECSA). Please note that HECSA processes FOIA requests on behalf of the U.S. Army Corps of Engineers, Headquarters office. For ease of reference, we have organized our correspondence by the tracking numbers assigned to each FOIA request.

1. FP-19-025582. This FOIA request dated August 8, 2019, asks for communications sent or received by anyone with an email address ending in "eop.gov". Please note that USACE employees do not possess email addresses ending in "eop.gov", therefore, this appears to be a misdirected FOIA request. There are a few EOP entities subject to the FOIA, such as the Office of Management and Budget, to whom you might wish to submit this FOIA request. For now, we have administratively closed this FOIA request.

2. FP-19-029074. This FOIA request dated September 17, 2019, asks for email communications sent by Todd Semonite, David Cooper or Kirk E. Gibbs containing the terms "pardon", "pardons" or "clemency" from January 1, 2019 to the date the search is conducted. You specified the three records custodians via an email clarification on September 23, 2019. Please note the term "pardon" could be used in many different forms. For example, an email could state "pardon me" as a nicety or apology. Is there a specific subject matter you are interested in? As written, your request would likely result in a large and strange production of random emails.

3. FP-19-025579 and FP-20-019754. These two FOIA requests dated August 8, 2019, and February 20, 2020, both ask for email communications between listed USACE officials and listed external parties associated with Fisher Industries or We Build the Wall. The scope of these two FOIA requests overlap, as the records custodians specified in FP-19-025579 are also all listed in FP-20-019754. Did you intend to withdraw FP-19-025579 and submit FP-20-019754 as a new FOIA request? Or is FP-20-019754 an amendment to FP-19-025579? Please note that agencies

are not required to respond to duplicate FOIA requests. As currently written, the responsive documents for these two FOIA requests overlap significantly.

4. FP-20-019757. This FOIA request asks for email communications between specified USACE officials and U.S. Fish and Wildlife Service officials from September 1, 2019 through the date of the search. Although the letter is addressed to USACE, the FOIA request states, “American Oversight requests that the U.S. Fish and Wildlife Service produce the following records...” Therefore, this might be a misdirected FOIA request. Did you intend to submit this FOIA request to USACE or to the U.S. Fish and Wildlife Service? Please note that since this FOIA request asks for communications between two agencies, you should be able to obtain the requested records through one FOIA request to either USACE or USFWS.

5. FP-20-019758. This FOIA request dated February 20, 2020, asks for “agreements or contracts between the U.S. Government and Fisher Sand and Gravel or Fisher Industries.” We have transferred this FOIA request to the Fort Worth District, as they are the custodian of the requested records. They will respond to you directly.

Please reply to this correspondence by June 17, 2020.

You may discuss any aspect of your request, or seek dispute resolution services from, the USACE FOIA Public Liaison at foia-liaison@usace.army.mil or by calling (202) 761-0511. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Please feel free to reach out to Patricia Boxold if you have any questions or concerns. She can be reached at 313-226-7650 and patricia.n.boxold@usace.army.mil.

Sincerely,



Jason R. Chester
Acting Center Counsel