

From: Chris.L.Nutt@usace.army.mil
To: [Seattle District FOIA](#)
Subject: FOIA Request Form
Date: Friday, August 26, 2011 1:56:54 PM

First Name: Richard
Last Name: van Dijk
Email: Ex 6
Company: Another Way BPA
Address 1:
City: Ex 6
State:
ZIP Code:
Telephone:

RECEIVED BY BPA FOIA OFFICE THIS DATE: 10/11/11
DUE DATE: 11/8/11
LOG # BPA-2012-00049-C

Description: All emails, meeting minutes, hand written notes and presentation materials, reports, studies and any mitigation measures internal to the Corp and between the Corp and Bonneville Power Administration that reference the I-5 Reinforcement Project crossing the Columbia river in the areas of Longview, WA and/or Troutdale, OR.

Agree to Pay?: No

Fee Waiver Explanation: We are a non profit organization that needs to understand the workings of the interaction between federal agencies.



DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

September 30, 2011

Office of Counsel

Richard van Dijk
Another Way BPA

Ex 6

Dear Mr. van Dijk:

In response to your Freedom of Information Act (FOIA) request dated August 26, 2011, enclosed are copies of documents relating to the I-5 Reinforcement Project. Two emails are being withheld under Exemption 5 as pre-decisional. This privilege was enacted to "prevent injury to the quality of agency decisions." NLRB v. Sears, Roebuck & Co., 421 U.S. 132, 151 (1975). The privilege for deliberative material applies to agency documents that reflect advisory opinions, preliminary staff recommendations and deliberations. Withholding of these emails pursuant to Exemption 5 is necessary to encourage open, frank discussion on matters of policy between subordinates and superiors; protect against premature disclosure of proposed policies before they are finally adopted; and protect against public confusion that might result from disclosure of reasons or rationales that are not in fact ultimately the grounds for an agency decision.

I trust you will appreciate the considerations upon which this determination is based. However, because your request has been partially denied, you are advised of your right to appeal this determination through this office to the Secretary of the Army (ATTN: General Counsel). An appeal must be received by the appellate authority within 60 days of the date of this letter. The envelope containing the appeal should bear the notation "Freedom of Information Act Appeal" and should be sent to: U.S. Army Corps of Engineers, ATTN: CENWS-OC, P.O. Box 3755, Seattle, WA 98124-3755.

Most of the responsive documents we had were generated by the BPA, so these are being forwarded to the BPA for their determination of releasability. (Cheri Benson, FOIA/Privacy Act Specialist Bonneville Power Administration, 905 NE 11th, Portland, OR 97232) They will respond to you directly.

If you have any further questions, you can contact Richard Hynes at (206) 764-3735.

Sincerely,

A handwritten signature in cursive script that reads "Siri C. Nelson".

Siri C. Nelson
District Counsel

Enclosure