

WETLANDS ALERT, INC.  
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February 19, 2004

ATTN: Office of Counsel  
Renee Etheridge, FOIA Officer  
US Army Corps of Engineers  
Headquarters  
803 Front Street  
Norfolk, Virginia 23510-1096  
(757) 441-7271  
FAX: (757) 441-7721  
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**Re: Freedom of Information Act Request**

Dear Freedom of Information Officer:

For the past several months, I have made repeated attempts to obtain the information described in this letter, by contacting various local offices of your agency. My attempts have been unsuccessful. When I consulted your Headquarters web page for information about Freedom of Information Act (FOIA) requests, I encountered additional problems. For example, the FOIA web page (<http://www.nao.usace.army.mil/oc/FOIA.htm>) indicates that a FOIA request can be submitted to your agency's Headquarters by fax, but fails to provide the fax number. The hypertext link provided on that same web page for obtaining additional information about "categories" for requests (<http://www.rmd.belvoir.army.mil>) results in an error message ("page not found"), so that information could not be obtained.

Under provisions of 5 USC 552, the Freedom of Information Act, and **Department of the Army Regulation 25-55**, the information/documents described below are being requested. I am aware that fees may be charged for search, review, and/or duplication of the records requested. Your agency's FOIA web page referenced above, however, provides provisions for some categories of requestors to receive "two hours search, all review costs, and the first 100 pages at no cost." Because of the inadequacies of your FOIA web pages described above, **more than two hours was spent attempting to locate that information on your web site, but I was unable to determine the category your agency would assign to this request.** That same web page also includes the following statements:

"Fee waivers may be granted when disclosure of the records is in the public interest because it is likely to contribute [sic] to public understanding of the operations or activities of the government."

Wetlands Alert, Inc. is a noncommercial, nonprofit organization engaged in public education regarding the scientific aspects of wetlands in the United States. The disclosure of the requested records is in the public interest because it: a) is likely to contribute significantly to public understanding of the operations or activities of the government, and b) is not primarily in the

commercial interest of Wetlands Alert, Inc. (a nonprofit organization). Therefore, I am requesting a waiver of fees associated with the requested documents. Furthermore, it is my understanding that the information requested below is readily available in electronic form, thereby avoiding page costs. If fees are required to provide the requested information, a reasonable fee will be paid. This letter authorizes up to \$50 to cover the cost of providing the requested information, without notifying me in advance. Please notify me at the email address provided, if the cost of producing the documents will exceed \$50.

The FOIA information/documents requested by this letter include a listing of all projects authorized by your agency since 1990 (by "Individual Permits" (IP), "Nationwide Permits" (NWP), "No Permit Required" (NPR) letters, "After-the-fact permits", or other means) for mining, dredging, or any other type of excavation in any type of wetlands (including those determined to be "isolated" by your agency). This initial request is restricted to the Coastal Plain region of North Carolina, South Carolina, Georgia, Florida, and Alabama. The requested listing is anticipated to include the following information for each of the listed agency actions:

- a) project name
- b) date of permit issuance or other agency action
- c) location of the agency action (S.T.R, physical address, and GPS coordinates if available)
- d) permit number or other agency identification means
- e) total acres of wetlands on the site ("isolated" and non-isolated)

Please forward the requested information in excel spread sheet and GIS format, if available, in electronic format on CD, if possible, to the address provided above. If electronic copies are not available, please forward hard copies of the requested documents to the mailing address above. If you have any questions regarding this request, please contact me at the email address provided above.

Sincerely,



Barbara J. Herrin, President