

Exhibit A



Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON

Complex Litigation Division
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February 25, 2021

VIA U.S. MAIL, EMAIL AND FOIAONLINE.GOV

National Archives and Records Administration
8601 Adelphi Road, Room 3110
College Park, MD 20740
E-mail: foia@nara.gov

RE: Freedom of Information Act Request Regarding the Federal Archives and Records Center located at 6125 Sand Point Way NE, Seattle, WA 98115

On behalf of the Attorney General of the State of Washington, we request the following records pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552:

1. *All records and communications related to the Federal Archives and Records Center (including the National Archives at Seattle) located at 6125 Sand Point Way NE, Seattle, WA 98115.*
 - a. *This request includes, but is not limited to, communications regarding the above identified property with the Public Buildings Reform Board; the General Services Administration; the Office of Management and Budget; individuals at Coldwell Banker Richard Ellis; members of the press; members of the public; and/or any public officials in the States of Washington, Oregon, Alaska, and/or Idaho (including those at the federal, state, and/or local level).*
 - b. *This request applies to records created or transmitted at any time from January 29, 2020 through the date of this request.*
2. *All records and communications related to tribal consultation from January 29, 2020 through the date of this request.*
3. *All records and communications related to the 2017 Facility Condition Assessment conducted by the General Services Administration on the Federal Archives and Records*

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Center (including the National Archives at Seattle) located at 6125 Sand Point Way NE, Seattle, WA 98115 from January 1, 2017 to May 10, 2019.

4. *All records and communications related to the conditions of the building(s) and/or facility(ies) of the Federal Archives and Records Center (including the National Archives at Seattle) located at 6125 Sand Point Way NE, Seattle, WA 98115, from January 1, 2017 to May 10, 2019.*
5. *All records and communications, including but not limited to communications with the National Archives and Records Administration (NARA), related to options to allow for NARA's continued presence in the Seattle area and/or Washington State and/or the Pacific Northwest region, from January 1, 2017 to May 10, 2019.*
6. *All records and communications related to the potential consolidation or closure of any of the 14 regional NARA facilities, including but not limited to the National Archives at Seattle and the National Archives at San Francisco (San Bruno), from January 1, 2017 to February 24, 2021.*

Each of the above requests includes, but is not limited to, communications sent, received, or stored on government owned and/or personally owned or controlled email accounts, instant messaging programs, computers, mobile phones, and/or other devices.

If you determine that any of the requested records are exempt in whole or in part from disclosure under FOIA, please exercise your discretion and disclose the entirety of such records. Please note that if only a portion of a requested record is exempt from disclosure, the remaining non-exempt portions must still be released. In the event that you deny access to any of the requested records in whole or in part, please provide a *Vaughn* index (1) describing the material withheld, (2) providing a detailed legal justification of your basis for withholding the material, and (3) stating your reasons for not invoking your discretionary powers to release the material in the public interest.

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Fee Waiver Request

As a noncommercial entity, the Washington State Attorney General's Office (the AGO) is not subject to review fees. The Attorney General requests a waiver of all search and copying fees associated with this request. Should this fee waiver request be denied, the Attorney General's Office is willing to pay fees of up to one hundred dollars (\$100.00). Accordingly, please immediately begin processing this FOIA request while you consider the fee waiver request. If the fee waiver is not granted in full, please contact me immediately upon making such a determination.

A fee waiver for this FOIA request should be granted under 40 C.F.R. § 2.107(l) because the Attorney General is a public officer of the State of Washington and has no commercial interest in this request. Disclosing the requested records is in the public interest in that it is likely to contribute significantly to public understanding of the how the National Archives and Records Administration functions, including how NARA decides to close and/or consolidate regional archive facilities used and relied upon by members of the public.¹ Transparency into such issues is of the utmost importance.

A fee waiver is also warranted here because, since the closure of the National Archives at Seattle was announced, the AGO has played a key leadership role on this issue. Through its public outreach, its communications with other state, local, and tribal leaders, and its robust public following through social media and other public platforms, the AGO has an extensive platform upon which to distribute the materials it receives to other interested stakeholders, including on its website. Indeed, in past FOIA cases, the AGO has provided access to the documents it has received on its website and it plans to do so here.² Accordingly, we ask you to grant the AGO's requested fee waiver.

¹ The public's dependence on access to federal archival records is reflected in the numerous news articles that discussed the issue after the surprise decision to close the National Archives at Seattle was announced in January 2020. *See, e.g., 'Terrible and disgusting': Decision to close National Archives at Seattle a blow to tribes, historians in 4 states*, The Seattle Times (Jan. 25, 2020), <https://www.seattletimes.com/seattle-news/terrible-and-disgusting-decision-to-close-national-archives-at-seattle-a-blow-to-tribes-historians-in-4-states/>; *Don't send Seattle's federal archives across the country*, The Seattle Times (Jan. 31, 2020), <https://www.seattletimes.com/opinion/editorials/dont-send-seattles-federal-archives-across-the-country/>; *First 'panic,' then a battle to keep the National Archives in Seattle*, KUOW/NPR (Feb. 6, 2020), <https://www.kuow.org/stories/first-panic-then-a-battle-to-keep-the-national-archives-in-seattle>.

² *See, e.g., https://www.atg.wa.gov/news/news-releases/ag-ferguson-s-15th-consecutive-legal-victory-against-federal-government-forces* (press release with link to documents provided from the FERC in response to FOIA action) (last visited Feb. 25, 2021); <https://www.atg.wa.gov/news/news-releases/attorney-general-s-22nd-legal-victory-against-trump-administration-forces-epa> (press release with link to documents provided from the EPA in response to FOIA action) (last visited Feb. 25, 2021). The AGO is currently creating a website to host the thousands of documents received from the Public Buildings Reform Board, the General Services Administration, the Office of Management and Budget, and the National Archives and Records Administration in response to its February 3, 2020 FOIA Requests.

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Please produce a copy of the requested records in electronic format and deliver them to me via email or CD/flash drive at the address below. In addition, please consider posting a copy of these records to your FOIA library so that interested members of the public may more easily locate and access the requested records.

Sincerely,

s/ Lauryn K. Fraas

s/ Kristin Beneski

LAURYN K. FRAAS

KRISTIN BENESKI

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LKF/KB

Exhibit B

Folder: PBRBFOIA20-01_resultset_1--david.winstead@pbrb.gov_0

Subject: NARA San Bruno
Date: Fri, 4 Oct 2019 13:15:47 -0400
From: Adam Bodner <adam.bodner@pbrb.gov>
To: Angela Styles <angela.styles@pbrb.gov>, David Winstead <david.winstead@pbrb.gov>, Mary Phillips <mary.phillips@pbrb.gov>, Talmage Hocker <THocker@thehockergroup.com>, nick rahall <nickjoe.rahall@gmail.com>
Cc: kelly.keef@pbrb.gov, nancy.czapek@pbrb.gov, "nancy.czapek@gsa.gov" <nancy.czapek@gsa.gov>, "Pearson, Ken @ Dallas" <Ken.Pearson@cbre.com>
Message-ID: <CABzG7978L1wwSid7zPV5xA72MZrSHqJq_FCX6wA3QahQF5u=MA@mail.gmail.com>
MD5: 30b26f71fe62710f4a6a1f4e7a432590

Board - I'm proposing that we drop San Bruno from our consideration from Round 1. If you recall - while talking to NARA about Seattle, they mentioned that they had a GSA owned facility in San Bruno, plus a direct lease in Riverside; and that they only want 1 location somewhere on the West Coast. They are amenable to the project but have no money. For us however, it appears too difficult to include - first to gather sufficient info on San Bruno to develop a dashboard by next week, second b/c NARA is afraid it will leak and no one out there knows. Third because we have no landing place for them, and fourth we've not touched any political bases. So it seems like we should just proceed with Seattle, and perhaps 'grow' the project later to include their other 2 locations. Please confirm (or tell us to keep going on San Bruno). Thank you, Adam

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Adam Bodner
Executive Director
Public Buildings Reform Board
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(202) 714-9060