

Exhibit A



Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON

Complex Litigation Division
800 5th Avenue, Suite 2000 • Seattle, WA 98104-3188 • (206) 464-7744

February 25, 2021

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

Dionne Hardy, FOIA Officer
Office of Management and Budget
725 17th Street NW, Suite 9204
Washington, DC 20503
E-mail: OMBFOIA@omb.eop.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:

- *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.*
 - *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 National Archives and Records Administration; 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).*
 - *This request 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.*
 - *This request applies to records created or transmitted at any time from January 29, 2020 through the date of this request.*

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

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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.

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. Moreover, disclosing the requested records is in the public interest in that it is likely to contribute significantly to public understanding of the Office of Management and Budget's role under the Federal Assets Sale and Transfer Act of 2016 (FASTA) as well as how the federal government decided to persist in selling the National Archives at Seattle under FASTA notwithstanding the significant public outcry that was made after the decision to sell the Seattle Archives facility was made public in January 2020.¹ Thus, disclosure of these materials is likely to contribute significantly to public understanding of OMB's operations and activities.

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

¹ 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>.

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received on its website and it plans to do so here.² Accordingly, we ask you to grant the AGO's requested fee waiver.

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

Assistant Attorneys General

Washington State Attorney General's Office

800 Fifth Avenue, Suite 2000

Seattle, WA 98104

Lauryn.Fraas@atg.wa.gov

Kristin.Beneski@atg.wa.gov

LKF/KB

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.

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

--

Adam Bodner
Executive Director
Public Buildings Reform Board
1800 F St., NW Washington, DC Room 5116
(202) 714-9060

Exhibit C

Re: NARA Seattle/Sand Point facility

From: Micah Cheatham <micah.cheatham@nara.gov>
To: "Miller, Kimberly A. EOP/OMB" <kimberly_a_miller@omb.eop.gov>
Cc: Colleen Murphy <colleen.murphy@nara.gov>
Date: Thu, 17 Oct 2019 10:41:40 -0400
Attachments: Seattle to Riverside PBRB v09192019.docx (739.62 kB) **Ex 5 DP- (5 U.S.C. Sec 552(b)(5))** to Riverside PBRB v09192019.docx (697.38 kB)

Hi, Kim. **Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process**

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

I have attached fact sheets for both of the proposed disposals. **Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process**

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Please let me know if you have any questions or if you want to talk.

Thanks!

On Wed, Oct 16, 2019 at 2:57 PM Miller, Kimberly A. EOP/OMB <Kimberly_A_Miller@omb.eop.gov> wrote:

Hello **Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process**


Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

Thanks.

National Records and Records Center
6125 Sand Point Way NE
Seattle, WA 98115


- A. **Title Information (i.e., deeds, easements, other encumbrances)** *GSA to provide.*
- B. **Boundary Survey or equivalent.** *GSA to provide.*
- C. **Environmental Characterization Documents (ie, Phase 1, Environmental Baseline Report)** *GSA to provide.*
- D. **Annual Operating & Maintenance Costs and/or any deferred maintenance expenses.** *GSA to provide.*
- E. **Tenant Information including relocation plans and timing.**

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



- F. **Any funding requirements associated with a necessary relocation:**

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



[APG]

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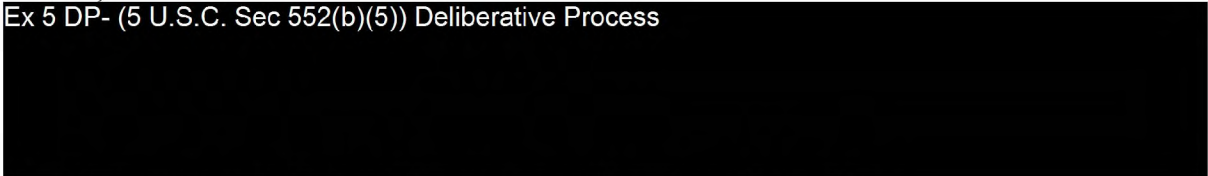
Exhibit C

1

WA-OMB-000011
#108.9

National Records and Records Center
6125 Sand Point Way NE
Seattle, WA 98115

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process



G. The specific mission(s) of the program(s) housed at the location:

NARA's Research Services organization provides access to archival records for researchers and the public. Research Services acquires, preserves, manages and provides public access to historical Federal records at fifteen locations across the country and on the archives.gov website. Research Services processes and describes historical records, so that the public can research and discover the information housed in NARA's vast holdings. Research Services responds to public requests for records in-person at public research rooms, remotely by phone, fax, mail, and email, and through Freedom of Information Act (FOIA) and special access requests. Research Services is responsible for appropriately managing and safeguarding NARA's archival records, including actions necessary to preserve records stored on fragile and obsolete media.

NARA's Federal Records Centers Program (FRCP) provides federal agencies with lifecycle management of temporary and permanent Federal Records, including storage and related services. The FRCP operates on a fully-reimbursable basis, and receives no appropriations. The Seattle Federal Records Center serves Federal agencies in Alaska, Idaho, Oregon, Washington, Hawaii (all agencies except Courts and Justice) and the Pacific Ocean area.

[APG]

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Exhibit C

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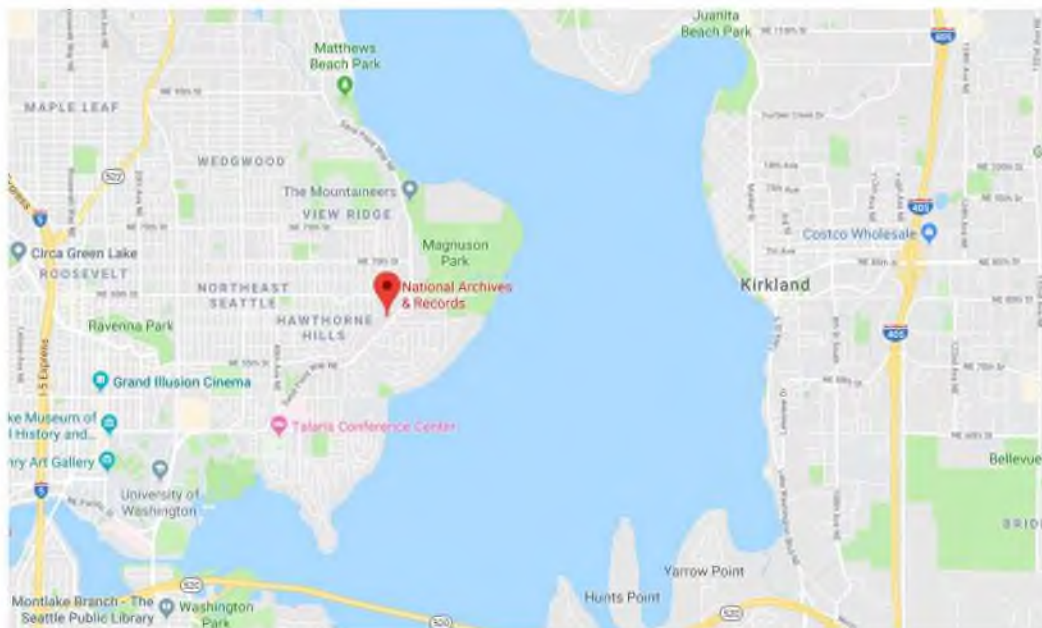
WA-OMB-000012
#108.10

National Records and Records Center
6125 Sand Point Way NE
Seattle, WA 98115

H. Any additional relevant property information, pictures, maps, etc.



Seattle Front/Main Entrance



Seattle Location

[APG]

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Exhibit C

WA-OMB-000013
#108.11

National Records and Records Center
6125 Sand Point Way NE
Seattle, WA 98115



Typical Fixed Steel Shelving

[APG]

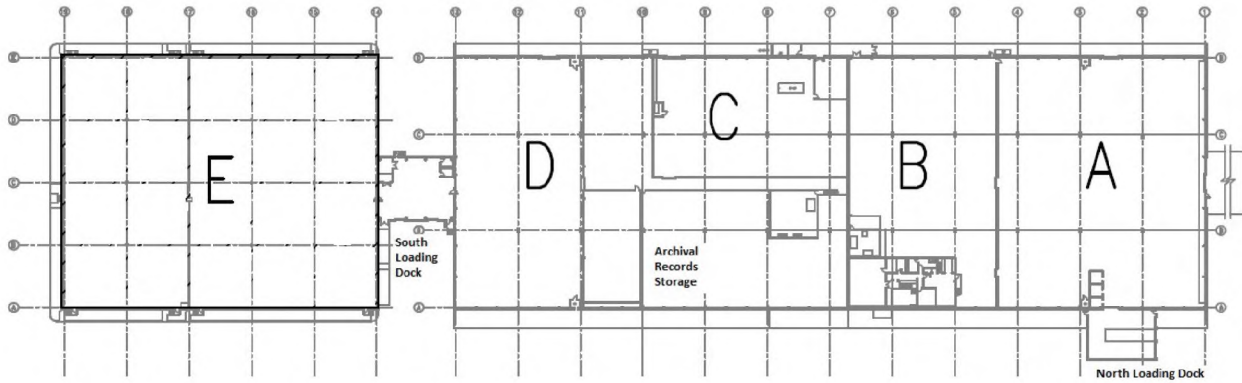
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Exhibit C

WA-OMB-000014
#108.12

National Records and Records Center
6125 Sand Point Way NE
Seattle, WA 98115



Seattle Schematic Floor Plan

[APG]

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Exhibit C

WA-OMB-000015
#108.13

Ex 5 DP- (5 U.S.C. Sec 552(b)(5))
Deliberative Process

- A. Title Information (i.e., deeds, easements, other encumbrances) [GSA to provide.](#)
- B. Boundary Survey or equivalent. [GSA to provide.](#)
- C. Environmental Characterization Documents (ie., Phase 1, Environmental Baseline Report) [GSA to provide.](#)
- D. Annual Operating & Maintenance Costs and/or any deferred maintenance expenses. [GSA to provide.](#)
- E. Tenant Information including relocation plans and timing.

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

- F. Any funding requirements associated with a necessary relocation:

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

[APG]

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Exhibit C

Ex 5 DP- (5 U.S.C. Sec 552(b)(5))
Deliberative Process

Ex 5 DP- (5 U.S.C. Sec 552(b)(5)) Deliberative Process

[APG]

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Exhibit C

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National Records and Records Center
1000 Commodore Dr.
San Bruno, CA 94066

G. The specific mission(s) of the program(s) housed at the location:

NARA's Research Services organization provides access to archival records for researchers and the public. Research Services acquires, preserves, manages and provides public access to historical Federal records at fifteen locations across the country and on the archives.gov website. Research Services processes and describes historical records, so that the public can research and discover the information housed in NARA's vast holdings. Research Services responds to public requests for records in-person at public research rooms, remotely by phone, fax, mail, and email, and through Freedom of Information Act (FOIA) and special access requests. Research Services is responsible for appropriately managing and safeguarding NARA's archival records, including actions necessary to preserve records stored on fragile and obsolete media.

NARA's Federal Records Centers Program (FRCP) provides federal agencies with lifecycle management of temporary and permanent Federal Records, including storage and related services. The FRCP operates on a fully-reimbursable basis, and receives no appropriations. San Bruno Federal Records Center serves Federal agencies in Northern and Central California, Nevada (except Clark County), Hawaii (DoJ records), America Samoa and the Trust Territory of the Pacific Islands.

[APG]

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Exhibit C

3

WA-OMB-000018
#108.16

National Records and Records Center
1000 Commodore Dr.
San Bruno, CA 94066

H. Any additional relevant property information, pictures, maps, etc.



San Bruno Front/Main Entrance



San Bruno Location

[APG]

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Exhibit C

WA-OMB-000019
#108.17