

# Exhibit A

February 25, 2021

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

U.S. General Services Administration  
FOIA Requester Service Center (H3A)  
1800 F Street, NW, 7308  
Washington, DC 20405-0001  
E-mail: [GSA.FOIA@gsa.gov](mailto:GSA.FOIA@gsa.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 Office of Management and Budget; 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).*
  - b. *This request applies to records created or transmitted at any time from January 29, 2020 through the date of this request.*
2. *The 2017 Facility Condition Assessment conducted by the General Services Administration on the Federal Archives and Records Center located at 6125 Sand Point Way NE, Seattle, WA 98115 and all records and communications related thereto from January 1, 2017 to May 10, 2019.*

3. *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, 2016 to May 10, 2019.*
4. *All records and communications related to the potential relocation of the records and/or archival documents housed at the Federal Archives and Records Center located at 6125 Sand Point Way NE, Seattle, WA 98115, from January 1, 2016 to May 10, 2019.*
5. *The May 28, 2018 contract between the General Services Administration and Coldwell Banker Richard Ellis (GS-00P-14-CY-A-0006), including any amendments or modifications thereto, and all records and communications related thereto.*
6. *All records and communications related to the retention of Coldwell Banker Richard Ellis to perform work related to the Federal Assets Sale and Transfer Act of 2016 (FASTA) from January 1, 2018 to May 10, 2019.*
7. *All records and communications with individuals at Coldwell Banker Richard Ellis for work performed related to the Federal Assets Sale and Transfer Act of 2016 (FASTA) from January 1, 2018 to May 10, 2019.*

*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.

### 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 shed additional light as to how the National Archives at Seattle was identified for sale under FASTA and contribute significantly to public understanding as to why the federal government persisted in bringing the National Archives at Seattle to market by "early 2021"<sup>1</sup> notwithstanding the significant public outcry that was made after the decision to sell the Seattle Archives facility was made public in January 2020.<sup>2</sup> Thus, disclosure of these materials is likely to contribute significantly to public understanding of the GSA's operations and activities and its role under FASTA.

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.<sup>3</sup> Accordingly, we ask you to grant the AGO's requested fee waiver.

<sup>1</sup> Update, PBRB website, <https://www.pbrb.gov/> (last visited Feb. 25, 2021).

<sup>2</sup> 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>.

<sup>3</sup> 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

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](mailto:Lauryn.Fraas@atg.wa.gov)

[Kristin.Beneski@atg.wa.gov](mailto:Kristin.Beneski@atg.wa.gov)

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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.