

U.S. Department of Homeland Security  
500 C Street, SW, Mail Stop 3172  
Washington, DC 20472-3172



**FEMA**

**March 9, 2016**

**SENT VIA EMAIL TO: FARRELL@MDJWLAW.COM**

Jeffrey Farrell  
900 S. Capital of Texas Hwy, Suite 425  
Austin, Texas 78746

**Re: FEMA 2016-FEFO-00870**

Dear Mr. Farrell:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). Your request was received in this office on January 26, 2016. You are seeking copies of all public records in your possession or control concerning all of the West Independent School District ("WISD") public buildings and other facilities in West, McClennan County, Texas, USA. This includes, but is not limited to, documentation of or concerning all applications for relief or assistance; inspection report(s); any information on the properties; correspondence to and from any party; photographs; videotapes; witness statements; cost estimates and/or project costs; project worksheets; insurance reviews; federal shares obligated; grants, awards and/or disbursements; and status reports. This request is for any and all documents from April 17, 2013 to the present.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, the Department processes FOIA requests according to their order of receipt. Although FEMA's goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10-day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, DHS/FEMA will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you care to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner; however, there are currently 1530 open requests ahead of yours.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS interim FOIA regulations as they apply to non-commercial requestors. As a commercial requestor, you will be charged 10-cents per page for duplication and for search and review time at the per quarter-hour rate (\$4.00, \$7.00, \$10.25) of the searcher and reviewer. We will construe the submission of your request as an agreement to pay up to \$25.00. You will be contacted before any further fees are accrued.

Under the DHS FOIA regulation, expedited processing of a FOIA request is warranted if the request involves "circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual," 6 C.F.R. § 5.5(d)(1)(i), or "an

**Exhibit 2**

[www.fema.gov](http://www.fema.gov)

Jeffrey Farrell  
**FEMA 2016-FEFO-00870**

2

urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information,” 6 C.F.R. § 5.5(d)(1)(ii). Requesters that seek expedited processing must submit a statement explaining in detail the basis for the request, and that statement must be certified by the requester to be true and correct.

Your request for expedited processing is denied because you do not qualify for either category under 6 C.F.R. § 5.5(d)(1). You failed to demonstrate a particular urgency to inform the public about the government activity involved in the request beyond the public’s right to know about government activity generally or that the lack of expedited treatment in this case will pose an imminent threat to the life or physical safety of an individual. Your letter was conclusory in nature and did not present any facts to justify a grant of expedited processing under the applicable standards.

If you deem the decision to deny expedited treatment an adverse determination, you may exercise your appeal rights. In the event that you may wish to appeal this determination an administrative appeal may be made in writing. You must send your appeal and a copy of this letter to the subsequent address: OCAO/Records Management Division (FOIA Appeals), FEMA, 500 C Street, Seventh Floor, Mail Stop 3172, Washington, DC 20472-3172 following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked “FOIA Appeal.” Copies of the FOIA and DHS regulations are available at [www.dhs.gov/foia](http://www.dhs.gov/foia).

On February 1, 2016, we queried the appropriate program offices of FEMA for responsive records. Potentially responsive documents have been located and are currently being reviewed for responsiveness and releasability. Please be assured that one of the FOIA Specialist in our office will respond to your request expeditiously as possible. We appreciate your patience as we proceed with your request.

To check the status of your FOIA requests you may use the online check status capability at <http://www.dhs.gov/foia-status>. Simply enter your request number and click the “Check Status” button. More information concerning the FOIA and implementing DHS regulations is available online at: [www.dhs.gov/xfoia/editorial\\_0318.shtm](http://www.dhs.gov/xfoia/editorial_0318.shtm).

Your request has been assigned reference number **FEMA 2016-FEFO-00870**. Please refer to this identifier in any future correspondence. Please refer to this identifier in any future correspondence. If you need to contact our office concerning this request, please call (202) 646-3323 or electronically at [FEMA-FOIA@fema.dhs.gov](mailto:FEMA-FOIA@fema.dhs.gov).

Sincerely,

MONIQUE R  
 BOOKER-KASPER

Digitally signed by MONIQUE R BOOKER-KASPER  
 DN: c=US, ou=U.S. Government, ou=Department of  
 Homeland Security, ou=FEMA, ou=People,  
 o=MONIQUE R BOOKER-KASPER  
 Date: 2016.02.09 12:33:50 -0500

Monique Booker-Kasper  
 Team Lead  
 Records Management Division  
 Mission Support