



# United States Department of the Interior

BUREAU OF RECLAMATION  
2800 Cottage Way  
Sacramento, CA 95825-1898



IN REPLY REFER TO:

CGB-3700  
1.1.02

Gurmeet Suman  
MuckRock News  
DEPT MR 102823  
411A Highland Ave.  
Somerville, MA 02144

Subject: Freedom of Information Act (FOIA) Request – DOI-BOR-2020-005925

Dear Mr. Suman:

This letter is in final response to your FOIA request dated September 27, 2020. Your request is for copies of “USBR Fresno River Cabinet Contents List Binders 12 and 13,” of the Cabinet Contents List – Fresno River (List). The request was assigned the FOIA tracking number DOI-BOR-2020-005925.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the Freedom of Information Act (FOIA). See 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

We are providing two folders of records considered responsive to your request. Copies of the records are being provided on compact disc (CD). There is a total of 224 individual records on the CD which total 1,226 pages. We do not bill requesters for FOIA processing fees when their fees are less than \$50.00, because the cost of collection would be greater than the fee collected. See 43 C.F.R. § 2.37(g). There is no billable fee for the processing of this request as the fees did not exceed \$50. Four pages have been partially redacted pursuant to Exemption (b)(5) of the FOIA. You have the right to appeal this decision.

Exemption (b)(5) of the FOIA allows an agency to withhold “inter-agency or intra-agency memorandums or letters which would not be available by law to a party... in litigation with the agency.” Exemption 5 therefore incorporates the privileges that protect materials from discovery in litigation, including the deliberative process, attorney work-product, attorney-client, and commercial information privileges. We have partially redacted four pages pursuant to the Attorney-Client privilege.

Exemption (b)(5) of the FOIA also protects confidential communications between an attorney and client relating to a legal matter for which the client has sought professional advice. These

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\* PARTIAL

redactions pertain to e-mail discussions between Reclamation and an attorney of the Office of the Solicitor. The advice was sought pursuant to our bureau's obligation to verify the legal options available to Reclamation during the administrative process, or in preparation for possible litigation. The partially redacted information reflects the facts presented to the attorney, or the advice from the attorney that was consulted, which is then used to guide our compliance with applicable regulations and statutes. The attorney's advice adds to, or subtracts from the options available to Reclamation, which we consider before we make our final agency decisions. The partial denial of this information was made after consultation with Mr. Kevin Tanaka, Assistant Regional Solicitor, Office of the Solicitor, Pacific Southwest Region. The Reclamation officials responsible for this decision are Ms. Melinda A. Jones, Manager, Administrative Services Division, and the undersigned. If you consider this partial denial to be a denial of your request pursuant to 43 CFR § 2.57(a)(1), you may submit an appeal by facsimile at 202-208-6677, by electronic mail (FOIA.Appeals@sol.doi.gov), or by mail to:

Department of the Interior  
Office of the Solicitor  
Attn: FOIA/Privacy Act Appeals Office  
1849 C Street, N.W.  
MS 6556 MIB  
Washington, DC 20240

If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your appeal no later than 90 workdays from the date of this letter. Appeals arriving or delivered after 5 p.m. EDT, Monday through Friday, will be deemed received on the next workday. Your appeal must be in writing. All communications concerning your appeal should be clearly marked with the words "FREEDOM OF INFORMATION APPEAL."

You must include an explanation of why you believe Reclamation's response is in error. You must also include with your appeal copies of all correspondence between you and Reclamation concerning your FOIA request, including your original FOIA request and Reclamation's response. Failure to include with your appeal all correspondence between you and Reclamation will result in the Department of the Interior's rejection of your appeal, unless the FOIA/Privacy Act Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal. Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Officer needs additional information or clarification of your appeal.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov), commercial telephone at 202-741-5770, fax: 202-741-5769, or by toll-free telephone at 877-684-6448. Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

Pursuant to 43 CFR § 2.19, we are making available our FOIA Public Liaison to assist in resolving any disputes between you and Reclamation. The acting FOIA Public Liaison is Ms. Cindy Cafaro. The public liaison can be reached by telephone at (888) 603-7119. For correspondence, the mailing address is Department of the Interior FOIA Office, MS-5558, MIB, 1849 C Street, NW, Washington, DC 20240.

If you have any questions about this final response, please contact the undersigned at 916-978-5554, or e-mail [sha-MPR-FOIA@usbr.gov](mailto:sha-MPR-FOIA@usbr.gov).

Sincerely,



Christopher S. Miller  
Regional FOIA Officer

Enclosure