



110. 701

# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

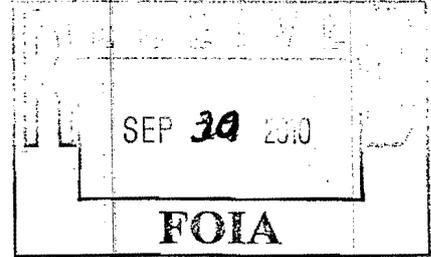
911 NE 11<sup>th</sup> Avenue  
Portland, Oregon 97232-4181

In Reply Refer to:  
ABA-CGS-FOIA  
FWS-2010-01215

September 23, 2009

*Sent via Federal Express, return receipt requested*

Tonya Woods, FOIA Director  
USDA Animal and Plant Health Inspection Service  
Freedom of Information and Privacy Act Staff  
4700 River Road, Unit 50  
Riverdale, MD 20737



Dear Ms. Woods:

OCT 29 2010

The Fish and Wildlife Service received an August 27, 2010 Freedom of Information Act request from Mark Riskedahl, Executive Director, Northwest Environmental Defense Center, regarding any and all documents associated with the U.S. Department of Agriculture's Animal and Plant Health Inspection Service's actions to authorize the interstate importation of municipal solid waste from Hawaii to the continental United States.

During our records search we located 28 records that originated with your agency. According to Department of Interior regulations 43 CFR 2.22(b)(2), we are referring this FOIA request and the subject responsive documents to your office, as enclosed on CD, for your release determination and response to Mr. Riskedahl. We have advised the requester that he will receive a direct response from your office.

Thank you for sending this office a copy of your response for our records. If you have any questions concerning this matter, please contact me at 503-231-2072.

Sincerely,

Patti Carroll  
FOIA Officer  
Region 1 and Region 8

Enclosures

cc:  
Mark Riskedahl

**TAKE PRIDE<sup>®</sup>  
IN AMERICA**



**NORTHWEST ENVIRONMENTAL DEFENSE CENTER**  
10015 S.W. Terwilliger Blvd., Portland, Oregon 97219  
Phone: (503) 768-6673 Fax: (503) 768-6671  
www.nedc.org

August 27, 2010

**FREEDOM OF INFORMATION ACT REQUEST**

VIA FAX 503-231-6259 AND U.S. MAIL

Patti Carroll, FOIA Coordinator  
Budget and Administration  
Eastside Federal Complex  
911 NE 11<sup>th</sup> Ave  
Portland, OR 97232-4181

Re: Freedom of Information Act Request

Dear Ms. Carroll:

This is a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, as amended. This request is made on behalf of the Northwest Environmental Defense Center ("NEDC").

NEDC was founded in 1969 and is dedicated to the preservation and protection of the natural resources of the Pacific Northwest. NEDC's members are lawyers, scientists, students and citizens interested in protecting the environment of the Pacific Northwest.

Pursuant to FOIA, please send NEDC:

- Any and all documents associated with the U.S. Department of Agriculture's Animal and Plant Health Inspection Service's ("APHIS") actions to authorize the interstate importation of municipal solid waste ("MSW") from Hawaii to the continental United States, including:
  - Proposed Rule, 71 Fed. Reg. 20,030 (April 19, 2006)
  - Environmental Assessment and Pest Risk Assessment, 71 Fed. Reg. 65,454 (November 8, 2006)
  - Environmental Assessment, Pest Risk Assessment and Finding of No Significant Impact, 71 Fed. Reg. 78,129 (December 28, 2006)
  - 2007 Biological Assessment
  - January 2008 revised Biological Assessment with risk assessment appendixes
  - February 2008 Final Biological Assessment

- 2008 Programmatic Environmental Assessment
- December 2009 Site Specific Environmental Assessment and Finding of No Significant Impact
- Environmental Assessment, 75 Fed. Reg. 2846 (January 19, 2010)
- Environmental Assessment and Finding of No Significant Impact, 75 Fed. Reg. 29,706 (May 27, 2010)
- APHIS Compliance Agreements to transport MSW
- This includes, but is not limited to notes, reports, data and supporting documents.
- This request also includes any communications between any director, administrator, employee, representative or legal counsel for the United States Fish and Wildlife Service ("USFWS") and APHIS, the National Oceanic Atmospheric Administration ("NOAA"), and/or any interested industry members as well as any interagency communication about this permitting concept.

This request applies to agency files in whatever form, including (without limit) correspondence, memoranda, notes, email messages, reports, data and electronic files whose release is not expressly prohibited by law. It also covers any non-identical duplicates of records that by reason of notation, attachment, or other alteration or supplement, include any information not contained in the original record. Additionally, this request is not meant to be exclusive of other records, which though not specifically requested, would have a reasonable relationship to the subject matter of this request.

This request applies to all such records in whatever form, including (without limit) correspondence, memoranda, notes, e-mail messages, and electronic files whose release is not expressly prohibited by law. It also covers any non-identical duplicates of records that, by reason of notation, attachment, or other alteration or supplement, include any information not contained in the original records. Additionally, this request is not meant to be exclusive of other records which, though not specifically requested, would have a reasonable relationship to the subject matter of this request.

We emphasize that this request applies to all described documents whose disclosure is not expressly prohibited by law. If you should seek to prevent disclosure of any of the requested records, we request that you: (i) identify each such document with particularity (including title, subject, date, author, recipient, and parties copied), (ii) explain in full the basis on which non-disclosure is sought, and (iii) provide us with any severable portions of the records for which you do not claim a specific exemption.

Please contact us as soon as possible regarding the number of documents this request entails. NEDC is willing to accept the requested records in electronic format in order to reduce USFWS' cost in providing these documents, so long as the electronic versions are the final versions and have not been subsequently altered. In addition, NEDC is willing to accept some of the requested documents as they become available and work with USFWS to further limit costs in providing these documents.

NEDC also requests that you waive any applicable fees because disclosure is clearly in the public interest. As described below, disclosure "is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552 (a)(4)(A)(iii). Any information received through this request for public records will be used to illuminate the activities of USFWS as it acts to fulfill its responsibilities under the Endangered Species Act and the National Environmental Policy Act. Specifically, these documents will enable the public to participate meaningfully in the USFWS' involvement in APHIS' assessments and compliance agreements for the shipment of municipal solid waste from Hawaii.

The disclosed material will not be used for commercial use or gain. The parties making this request have expertise and interest in water quality and aquatic habitat protection in the Pacific Northwest and will use this expertise to analyze the documents released and disseminate the findings in order to enhance the public's understanding of USFWS' actions and operations.

NEDC intends to disseminate information gleaned from the disclosed documents through diverse and effective channels, including: NEDC's website, which specifically highlights environmental and water quality issues in the Pacific Northwest; NEDC's quarterly newsletter, which is broadly distributed; press releases to local and regional media outlets; letters and emails to NEDC supporters and involvement in public initiatives relating to water quality and aquatic habitat protection.

If for some reason the fee waiver is denied, NEDC reserves the right to appeal such decision, and requests that a bill of costs be transmitted prior to incurring document duplication and transmission costs

We anticipate that the USFWS will make the requested materials available within the statutorily prescribed period. Access to the records should be granted within twenty working days from your receipt of this request. Failure to respond in a timely manner shall be viewed as a denial of this request.

If you have any questions, or if you require further information to rule on the fee waiver request, please feel free to contact me at (503) 768- or [msr@lclark.edu](mailto:msr@lclark.edu). Additionally, if you are not the proper recipient of this request, please identify which office has information responsive to this request. Thank you in advance for your prompt reply.

Sincerely,

MARK KISKEDANI  
Executive Director  
Northwest Environmental Defense Center