

**From:** Patricia Schifferle [mailto:pacificadvocates@hotmail.com]  
**Sent:** Friday, April 17, 2020 1:48 PM  
**To:** 'FOIA, BOR MPR'  
**Cc:** 'Miller, Christopher S'  
**Subject:** RE: Update to Freedom of Information Act (FOIA) Request - BOR-2020-00031

Dear Alison D. Fajardo-Brachner:

Thank you for your note today delaying yet again the October 28, 2019 request for copies of the USBR permanent contract negotiation files including copies of the permanent 9(d) Westlands Water District contract that was executed without providing the public a copy on February 28, 2020. The specific documents requested is attached for your reference and was sent electronically October 28, 2019.

Once again, I urge the Department to expedite this request as failure to do so thwarts the public's ability to participate meaningfully in the required public contract negotiation process.

Below and attached is our correspondence with the California-Great Basin Regional Office FOIA Officer. This is the office where USBR employees directed the public to submit the FOIA request. In order to obtain a copy of the contract, the public negotiation records, notices etc, the NGOs complied with this direction on October 28, 2019. At that time, the NGOs also requested the documents be provided in electronic format so there is not a need for hard copies

Once again we make the request to provide the documents on a rolling basis. .

Thank you, for the update during these difficult times, however, this request was in the 'que' long before the Covid-19 guidance issued by the Trump administration on March 16, 2020.

We appreciate anything you can do to ensure the public has access to these documents in a timely fashion since they were requested roughly 5 months ago.

Regards,

Patricia Schifferle

*Patricia Schifferle*  
530 550 0219 v



*Pacific Advocates*

**From:** Fajardo-Brachner, Alison D [mailto:afajardobrachner@usbr.gov] **On Behalf Of** FOIA, BOR MPR  
**Sent:** Friday, April 17, 2020 9:12 AM  
**To:** pacificadvocates@hotmail.com  
**Subject:** Update to Freedom of Information Act (FOIA) Request - BOR-2020-00031

Dear Ms. Schifferle,

I am contacting you on behalf of the California-Great Basin Regional Office's FOIA Officer. We want to provide an update to you by echoing the notification found on the Department of the Interior's FOIA webpage.

"The Freedom of Information Act (FOIA) offices in the bureaus/offices of the Department of the Interior are continuing to process FOIA requests to the best of their ability during the COVID-19 pandemic.

To keep employees healthy and safe, the Department is maximizing telework flexibility and employing social distancing protocols. As a result of these precautions, most employees are working remotely and unable to collect hard copy records located in government facilities at this time. If your request is for hard copy records, the response to your request will very likely be delayed.

In addition, employees may not receive FOIA requests that are sent by U.S. mail, overnight mail services, or facsimile in a timely manner. We recommend, therefore, that requesters submit requests through the Department's online portal at <https://www.doi.gov/foia/foia-request-form> or the government-wide portal at <https://www.foia.gov>."

Our local office's available workforce is working as quickly as we can to process your FOIA request. We want you to be aware that your request is being processed on a first in, first out basis pursuant to our regulations. We are currently battling competing work priorities and other events beyond our control and we hope you understand that your FOIA request is one of those priorities. We appreciate your patience.

Thank you.

Very respectfully,

**Alison Fajardo-Brachner**

Division Secretary, Administrative Services  
U.S. Bureau of Reclamation  
Interior Region 10 · California-Great Basin  
Telephone (916) 978-5554

"Please do not forward attachments unnecessarily"

**From:** Patricia Schifferle [mailto:[pacificadvocates@hotmail.com](mailto:pacificadvocates@hotmail.com)]

**Sent:** Sunday, March 29, 2020 4:18 PM

**To:** 'Miller, Christopher S'

**Subject:** Status of the October 10, 2019 FOIA Request BOR-2020-00031

Dear Mr. Miller,

The WWD conversion contract was signed February 28, 2020. And yet the Requesters [Sierra Club, Planning and Conservation League, Environmental Water Caucus, Southern California Watershed Alliance, and Institute for Fisheries Resources et. al.] have not received from the Bureau of Reclamation the October 28, 2019 requested documents including a copy of the contracts and exhibits.

Could you please provide an update as to the status of the attached request BOR-2020-00031.

Thank you for your assistance.

Patricia Schifferle

*Patricia Schifferle*

530 550 0219 v



*Pacific Advocates*

**From:** Patricia Schifferle [mailto:pacificadvocates@hotmail.com]

**Sent:** Thursday, February 20, 2020 12:09 PM

**To:** 'Miller, Christopher S'

**Subject:** RE: FOIA Request BOR-2020-00031

Dear Mr. Miller,

Thank you for your reply of February 18, 2020 regarding the attached FOIA request from October 28, 2019. As you know the date for comments on these permanent water contract conversions passed January 8, 2020. Another deadline for additional contracts also passed on February 19, 2020. On February 4, 2020, Westlands Water District's Tom Birmingham announced at the WWD BOD meeting and new San Luis Unit/WWD JPA Board meeting, that the permanent water contract conversions are complete. And yet the public still has not been provided a copy of these contracts and the exhibits. With these pending water contract conversions taking place within two weeks or less, please provide this essential information. Without copies of the contracts and the exhibits the public and the members of these organizations are effectively precluded from comment. Additionally the unnecessary delays caused the requirement that a FOIA be filed to acquire this information also places an unfair burden on the public. It is clear that Westlands Water District and others who would benefit from obtaining these contracts have been privy to the information, but the public is excluded.

Again please provide these documents on a rolling basis.

Regards,

Patricia Schifferle

*Patricia Schifferle*

530 550 0219 v



*Pacific Advocates*

**From:** Miller, Christopher S [mailto:csmiller@usbr.gov]

**Sent:** Tuesday, February 18, 2020 1:20 PM

**To:** Patricia Schifferle  
**Subject:** FOIA Request BOR-2020-00031

Ms. Schifferle,

I am writing to update you regarding your FOIA request, number BOR-2020-00031. We are still experiencing a backlog in processing records because of an unusual number of extremely complex processing requests that were received ahead of yours. My office is currently processing requests received in August 2019. As of this morning, your request is 4th in the complex processing track. There are a total of six open requests that were received ahead of yours. My estimate is that I will be able to process your request by April 17, 2020. That estimate is tentative depending on the number and complexity of the records that each request entails.

We are also providing you the services of;

Pursuant to 43 CFR § 2.19, we are making available our FOIA Public Liaison to assist in resolving any disputes between you and Reclamation. Our FOIA Liaison is Ms. Michelle Piland. She can be reached by telephone at 303-910-5136. For correspondence, the mailing address is Bureau of Reclamation, P.O. Box 25007, 84-21300, Denver, CO 80225-0007.

or

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.

Thank you for your continued patience.

V/R

*Christopher S. Miller*  
Regional FOIA Officer  
U. S. Bureau of Reclamation  
Interior Region 10 · California-Great Basin  
Telephone (916) 978-5554  
"Please do not forward attachments unnecessarily"

**From:** Miller, Christopher S [<mailto:csmiller@usbr.gov>]  
**Sent:** Tuesday, February 18, 2020 1:20 PM  
**To:** Patricia Schifferle  
**Subject:** FOIA Request BOR-2020-00031

Ms. Schifferle,

I am writing to update you regarding your FOIA request, number BOR-2020-00031. We are still experiencing a backlog in processing records because of an unusual number of extremely complex processing requests that were received ahead of yours. My office is currently processing requests received in August 2019. As of this morning, your request is 4th in the complex processing track. There are a total of six open requests that were received ahead of yours. My estimate is that I will be able to process your request by April 17, 2020. That estimate is tentative depending on the number and complexity of the records that each request entails.

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or

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Thank you for your continued patience.

V/R

*Christopher S. Miller*  
Regional FOIA Officer  
U. S. Bureau of Reclamation  
Interior Region 10 · California-Great Basin  
Telephone (916) 978-5554  
"Please do not forward attachments unnecessarily"

**From:** Patricia Schifferle [<mailto:pacificadvocates@hotmail.com>]  
**Sent:** Friday, January 31, 2020 3:07 PM  
**To:** 'Miller, Christopher S'  
**Subject:** RE: Following Up FOIA BOR-2020-00031--Westlands' Permanent Water Contract

Mr. Miller,

Much time has elapsed since the FOIA Request BOR 2020-00031 was submitted. What is the status?

Patricia Schifferle

**From:** Patricia Schifferle [<mailto:pacificadvocates@hotmail.com>]  
**Sent:** Tuesday, November 19, 2019 2:57 PM  
**To:** 'Miller, Christopher S'  
**Subject:** RE: Following Up FOIA BOR-2020-00031--Westlands' Permanent Water Contract

Mr. Miller,

Thank you for the update.

Regards,

Patricia

**From:** Miller, Christopher S [<mailto:csmiller@usbr.gov>]  
**Sent:** Tuesday, November 19, 2019 10:03 AM  
**To:** Patricia Schifferle  
**Subject:** Re: Following Up FOIA BOR-2020-00031--Westlands' Permanent Water Contract

Ms. Schifferle,

Good morning. The request is being processed at this time. A formal letter will be on its way shortly that provides notification that we accept your request. We will need to search in three different regional offices for the records you seek. At this time, your request is currently 10th in our complex processing queue. Rolling responses are considered in the processing of all of our FOIA requests. That is the only update I can give you today, pending the formal letter.

V/R

Chris Miller  
916-978-5554

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**From:** Patricia Schifferle <[pacificadvocates@hotmail.com](mailto:pacificadvocates@hotmail.com)>  
**Sent:** Monday, November 18, 2019 1:27 PM  
**To:** Miller, Christopher S <[csmiller@usbr.gov](mailto:csmiller@usbr.gov)>  
**Subject:** [EXTERNAL] Following Up FOIA BOR-2020-00031--Westlands' Permanent Water Contract

Dear Mr. Miller,

I received your correspondence on November 12, 2019 regarding the FOIA request of October 2, 2019. The letter is dated November 8, 2019, but likely due to the holiday, there was a delay in receipt.

Please let me know of the progress regarding this request. These documents are essential to the public's understanding of the proposed permanent Westlands Water contract for 1.15 million acre feet. The comment period is now January 8, 2020, however, receipt of these documents prior to the close of the public comment period is in the public interest to better understand the proposed contract. Please call me if there are any questions. And please consider providing the documents on a rolling basis.

Regards,

Patricia Schifferle

*Patricia Schifferle*  
530 550 0219 v



*Pacific Advocates*

**From:** Patricia Schifferle [<mailto:pacificadvocates@hotmail.com>]  
**Sent:** Monday, October 28, 2019 6:02 PM  
**To:** 'FOIA, BOR MPR'  
**Cc:** 'Miller, Christopher'  
**Subject:** FOIA Re USBR & WWD Contract Conversion Documents

Dear Mr. Miller and/or FOIA official

Please find the attached FOIA request for documents regarding the BuRec and Westlands' contract conversion documents.

Thank you for your assistance,

Patricia

*Patricia Schifferle*  
530 550 0219 v



*Pacific Advocates*

**From:** Leal, Erma [<mailto:eal@usbr.gov>]  
**Sent:** Friday, October 25, 2019 1:03 PM  
**To:** Patricia Schifferle  
**Subject:** Fwd: [EXTERNAL] Please send the WWD Draft Contract Conversion Per the WIIN Act

Good Afternoon,

Your email message was sent forth to me regarding the WWD's Exhibits. Please fill out the attached FOIA request and submit to Reclamation.

Thank You,

*Respectfully,*

*Erma Leal* 🇺🇸

*Repayment Specialist - SCCAO-445*

*Dept. of Interior | Bureau of Reclamation*

*Interior Region 10 - California - Great Basin*

*South-Central California Area Office*

*1243 N. Street, Fresno, CA 93721-1813*

*Voice: 559.262.0350 Fax: 559.262.0371*

----- Forwarded message -----

From: **Patricia Schifferle** <[pacificadvocates@hotmail.com](mailto:pacificadvocates@hotmail.com)>

Date: Thu, Oct 24, 2019 at 3:37 PM

Subject: RE: [EXTERNAL] Please send the WWD Draft Contract Conversion Per the WIIN Act

To: Ponce, Fernando <[fponce@usbr.gov](mailto:fponce@usbr.gov)>

The link to the WWD contract mentions exhibits A-D. Those are not included in the link but are part of the contract.

Can you send a link to those?

Thanks,

Patricia Schifferle

**From:** Ponce, Fernando [mailto:[fponce@usbr.gov](mailto:fponce@usbr.gov)]

**Sent:** Thursday, October 24, 2019 3:23 PM

**To:** Patricia Schifferle

**Subject:** Re: [EXTERNAL] Please send the WWD Draft Contract Conversion Per the WIIN Act

On Thu, Oct 24, 2019 at 3:20 PM Patricia Schifferle <[pacificadvocates@hotmail.com](mailto:pacificadvocates@hotmail.com)> wrote:

Fernando,

Thanks for your help. Please send the notice and link to the contract.

Regards,



Patricia

*Patricia Schifferle*

530 550 0219 v



*Pacific Advocates*

**From:** Leal, Erma [mailto:eleal@usbr.gov]

**Sent:** Monday, October 21, 2019 10:52 AM

**To:** Patricia Schifferle

**Subject:** Re: [EXTERNAL] Could You Please Send an Electronic Copy of WWD's Water Contract Conversion

Patricia,

Please fill out the attached form and submit your request as outlined on the attachment.

Thank You,

*Respectfully,*

*Erma Leal* 🇺🇸

*Repayment Specialist - SCCAO-445*

*Dept. of Interior | Bureau of Reclamation*

*Interior Region 10 - California - Great Basin*

*South-Central California Area Office*

*1243 N. Street, Fresno, CA 93721-1813*

*Voice: 559.262.0350 Fax: 559.262.0371*

On Mon, Oct 21, 2019 at 10:09 AM Patricia Schifferle <[pacificadvocates@hotmail.com](mailto:pacificadvocates@hotmail.com)> wrote:

Dear Erma Leal,

Could you please send me the 60 day public notice and negotiated contract with Westlands Water District? I believe these are the following contracts subject to the 60 day notice.

14-06-200-495A-IR6,

14-06-200-7823J,

14-06-200-8092-IR16,

7-07-20-W0055-IR16-B,  
14-06-200-8018-IR16-B,  
14-06-200-3365A-IR16-C,  
14-06-200-336C-IR16

Thank you in advance for your assistance.

*Patricia Schifferle*

530 550 0219 v



*Pacific Advocates*



## *Pacific Advocates*

October 28, 2019

**SENT VIA EMAIL AND U.S. MAIL** sha-MPR-FOIA@usbr.gov

Regional FOIA Officer  
Bureau of Reclamation  
2800 Cottage Way, MP-3700  
Sacramento, CA 95825

**Re: Freedom of Information Act Request for Documents, Records, and Materials with regard to Westlands Water District's (Westlands) Contract Conversion.**

Dear FOIA Officer:

Pacific Advocates submits this request for records on behalf of the Planning and Conversation League, Southern California Watershed Alliance, Environmental Water Caucus, Pacific Coast Federation of Fishermen's Associations, the Institute for Fisheries Resources, and Sierra Club ("Requesters"), pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. Please provide your written confirmation (preferably by e-mail) upon the receipt of this request.

Requesters seek records related to the Bureau of Reclamation's (BuRec) negotiation with Westlands Water District to convert their interim 2 year water contracts to permanent 9(d) contracts pursuant to the WIIN Act § 4011 and in strict compliance with subsection 9(f) of the Reclamation Act of 1939 (Pub. L. 76-260, as amended by section 226 of Pub. L. 97-293; 43 USC 485h(f) and with 43 CFR 426.22). See also Reclamation Manual-Policy, Public Involvement in Reclamation Manual-Policy Activities (CMP P03), and Reclamation Manual - Directive and Standards, Public Involvement in Reclamation Activities (CMP 04- 01). And with compliance and adherence to the Endangered Species Act related to the effects of the proposed permanent contract along with compliance with the Clean Water Act 1972 and federal antidegradation policy. The relevant time period of this request is February 1, 2017 through the date of the response to this request.

We ask that all responsive documents be provided in Native File Format with metadata. See 5 U.S.C. § 552(a)(3)(B) (instructing that agency shall provide records in any form or format if the record is readily reproducible in that form or format).

### FOIA REQUEST

#### A. Definitions

For purposes of this request, we define "documents" to include any and all (whether in proposed, draft, or final form) correspondence, memoranda, letters, emails, contracts,

agreements, reports, notes, meeting minutes, calendars, telephone logs, text messages, instant messages, photographs, maps, diagrams, scientific or technical data, analyses, studies, and other records, whether paper or electronic.

For purposes of this request “FWS” refers to the U.S. Fish and Wildlife Service of the Department of the Interior and any divisions, employees, agents, consultants, or representatives thereof.

For purposes of this request, “Reclamation” refers to the Bureau of Reclamation of the U.S. Department of the Interior and any divisions, employees, agents, consultants, or representatives thereof.

For purposes of this request, the “Project” refers to the Westlands Water District's conversion of its water service contracts [14-06-200-495A-IR6, 14-06-200-7823J, 14-06-200-8092-IR16, 7-07-20-W0055-IR16-B, 14-06-200-8018-IR16-B, 14-06-200-3365A-IR16-C, & 14-06-200-336C-IR16 ] to permanent 9 (d) contracts pursuant to § Section 4011 of the WIIN Act and any related contract activities including agricultural drainage.

For purposes of this request, “Contract negotiations” refers to any activity by BuRec and Westlands to comply with their obligations under § 4011 of the WIIN Act, strict compliance with subsection 9(f) of the Reclamation Act of 1939 (Pub. L. 76-260, as amended by section 226 of Pub. L. 97-293; 43 USC 485h(f)) and with 43 CFR 426.22). See also Reclamation Manual-Policy, Public Involvement in Reclamation Manual-Policy Activities (CMP P03), and Reclamation Manual - Directive and Standards, Public Involvement in Reclamation Activities (CMP 04- 01) and section 7(a)(2) of the Endangered Species Act, 16 U.S.C. § 1536(a)(2), with respect issuing Westlands' a permanent contract, including but not limited to any studies to determine whether the Project may affect any endangered or threatened species and/or water quality.

This request applies to all email accounts and phone numbers assigned to or operated by Interior Department and BuRec staff, consultants, or other representatives, whether on an official Interior Department or BuRec email address, server, or phone or a personal account or device, which contain documents that relate to official business of BuRec. This request also applies to so-called “alias” email accounts that may or may not include the name(s) of the staff, consultants, or other representatives in the email address.

#### B. Requested Documents

We request all documents of any kind and any related or attached documents, which were generated, received, kept, and/or considered by BuRec reflecting, referring, or relating to the Project including:

1. A copy of the BuRec & Westlands negotiated contract(s) and the exhibits.
2. Exhibit A – Map of Contractor’s Service Area

3. Exhibit B – Rates and Charges
4. Exhibit C – Central Valley Project Water Needs Assessments Purpose and Methodology
5. Exhibit D – Repayment Obligation
6. Any and all public notices with regard to the September 20 and 30th 2019, BuRec Southern Central Fresno Office contract negotiations with Westlands and any documents associated with these negotiation sessions.
7. The BuRec June 29, 2018, "90 Day payout letter of estimated costs" to Westlands and any associated documents.
8. The BuRec July 22, 2018 "Pay out cost estimate" to Westlands and any associated documents.
9. The Westlands April 23, 2018 WIIN contract conversion request letter and any associated documents.
10. All documents with regard to "*such drainage solutions that may involve actions not originally contemplated and/or the construction or use of facilities, other than the San Luis Drain; that the Contractor is investing in drainage solutions for lands within its boundaries that should be considered by the Contracting Officer in determining drainage solutions*" and any related documents.
11. All documents with regard to "*the existing ratesetting policy as it relates to the allocation and collection of drainage costs that may "require amendment" to recognize those investments by the Contractor and other relevant circumstances*" and any related documents to these proposed ratesetting policies or changes.
12. All documents regarding drainage and BuRec's drainage responsibilities to Westlands with regard to the contract conversion negotiation including any contract changes or proposed changes to the federal policy contained in the 2007 SLDFRE Record of Decision.
13. All communications among or between BuRec, Westlands staff, consultants, board, or other representatives—whether electronic or paper and including but not limited to letters, emails, reports, text messages, and meeting notes—and members of the U.S. Congress, their staff, or their representatives or committees regarding the contract conversion pursuant to Section 4011 of the WIIN Act.
14. All supporting documents related to the Westlands' water services contract and conversion to a 9(d) contract.
15. All justification documents, including legal analyses.
16. All documents between WWD and/or their agents or representatives and federal agencies with regard to the contract conversion.
17. Any documents among or between staff, consultants or other representatives of FWS with the National Marine Fisheries Service, their staff, consultants, or other representatives regarding an ESA Consultation for the Project.
18. Any documents among or between FWS, its staff, consultants, or other representatives and the Executive Office of the U.S. President regarding an ESA

Consultation for the Project.

FEE WAIVER  
REQUEST

We request a waiver of all search and copying fees associated with this request. 5 U.S.C. § 552(a)(4)(A)(iii); 43 C.F.R. § 2.45(a). FOIA mandates that agencies waive search and copying fees where disclosure is “in the public interest because it 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); *accord* 43 C.F.R. § 2.45(a).

FOIA was designed to provide citizens a broad right to access government records. FOIA’s basic purpose is to “open agency action to the light of public scrutiny,” with a focus on the public’s “right to be informed about what their government is up to.” *U.S. Dep’t of Justice v. Reporters Comm. For Freedom of Press*, 489 U.S. 749, 773-74 (1989) (internal quotation and citations omitted). To provide public access to this information, FOIA’s fee waiver provision requires that “[d]ocuments shall be furnished without any charge or at a [reduced] charge,” if the request satisfies the standard. 5 U.S.C. § 552(a)(4)(A)(iii). The 1986 fee waiver amendments were designed specifically to provide non-profit organizations such as Requesters access to government records without the payment of fees. *Ettlinger v. FBI*, 596 F. Supp. 867, 872 (D. Mass. 1984) (fee waiver provision intended “to prevent government agencies from using high fees to discourage certain types of requesters and requests,” which are “consistently associated with requests from journalists, scholars, and non-profit public interest groups”).

As explained below, this request satisfies the requirements for fee waiver listed in the FOIA statute—that “disclosure of the information is in the public interest because it 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,” and DOI’s governing regulations for waiver or reduction of fees. 5 U.S.C. § 552(a)(4)(A)(iii); *see also* 43 C.F.R. §§ 2.45, 2.48.

**A. The Documents Relate to Governmental Activities and Operations.**

The requested documents pertain to BuRec's negotiations with Westlands to convert their interim contracts to a permanent contract conversion. The contract negotiation documents are meant to carry out Congressional intentions to guard against water monopoly and land speculation and the use of federal funds to benefit select large land owners. The conclusions and decision flowing from such contract rate setting and water use documents and exhibits affect Reclamation’s ability to proceed with the Project and compliance with repayment provisions pursuant to PL 99-546. Thus,

the requested documents directly relate to the operations and activities of the federal government.

Water from the Trinity, Sacramento and American Rivers and the tributaries with dams owned by the Federal Government export water these waters from the San Francisco Bay-Delta Estuary to serve water to the San Luis Unit (PL 86-488) of the CVP where Westlands receives the majority of the exported water. A September 2015 settlement agreement between the U.S. and Westlands contemplated relieving the U.S. of their drainage service and Westlands of their repayment obligations for this drainage service in trade for a permanent 9(d) water contract without any capital repayment obligations. This settlement agreement was not approved by Congress. The San Luis Unit's facilities includes the San Luis Drain where agricultural drain water from a 42,000-acre portion of Westlands was conveyed to the Kesterson Reservoir near Gustine California. Further discharge was halted due criminal liability under the Migratory Bird Treaty Act, mounting costs and water quality impacts to the San Francisco Bay- Delta Estuary and San Joaquin River. The proposed draft contract conversion contains language relating to as yet undisclosed costs and solutions to the agricultural drainage problem including, *the existing rate-setting policy as it relates to the allocation and collection of drainage costs may "require amendment" to recognize those investments by the Contractor and other relevant circumstances.* These groups and the public have decades of interest in the resolution of this contamination issue and impacts on both state and federal endangered species, cattle, deer and the aquatic food chain.

**B. Disclosure Will Contribute Significantly to the Public Understanding of the Operations or Activities of the Government.**

The release of the requested documents in response to this FOIA request will provide significant new information for public understanding of the financing, safety and return of some of the capital costs provided by the American taxpayer in support of the Project, and thus, the ability of Reclamation to move forward with the Project. There is significant public interest related to such a large contract, one of 70 conversion contracts and yet the first with the most water and largest holdings of irrigation operations with excess lands. The project also is poised to provide the greatest financial benefit to Westlands' irrigators and could also have lasting impacts on protected and endangered species along with drinking water quality. Currently, there is limited public information available as to the impacts of the project on species under FWS's jurisdiction, the potential cost allocations and ratesetting payments and potential land and water speculation within the service area which has not been disclosed.

Requesters are non-profit organizations who advocate for conservation and protection of taxpayers, water, land, air, and wildlife, all of which will be affected by the Project. Requesters are well- established organizations, collectively with thousands of members in California and nationwide. Requesters engage in public education and advocacy efforts on behalf of their members.

Requesters will analyze, synthesize, and disseminate the requested information to their members and the broader public via their meetings, websites, newsletters, and action alerts. Requesters will use the requested information to inform their comments to state and federal decision makers and other advocacy efforts surrounding the Project on behalf of their members.

Requesters have substantial ability to disseminate information to the public through their written publications as well as websites, blogs, social media postings, and other internet resources.

*See e.g.*, the following websites:

- <https://www.watereducation.org/aquaforia-news/enviro-groups-westlands-water-district-grabs-more-water-middle-drought-sweetheart>
- <http://calsport.org/news/>
- <https://www.pcl.org/media-center/archive/>
- <http://www.ifrfish.org/>
- <https://www.sierraclub.org/mother-lode/environmental-issues>
- <https://www.restorethedelta.org/2019/03/11/california-groups-issue-bernhardt-warning-former-lobbyist-is-acting-on-behalf-of-former-clients-at-interior/>
- <https://www.causes.com/causes/241772-southern-california-watershed-alliance>
- <http://ewccalifornia.org/home/index.php>
- <http://ewccalifornia.org/reports/>
- <https://pcffa.org/fn-archive/>

### **C. The Requesters Will Not Benefit Financially From the Requested Information.**

Requesters have no commercial interest in, and will not financially benefit from, the requested documents. Each requester is a non-profit, public interest conservation organization. As described, the Requesters will use the requested documents to inform the public about federal agency decision-making concerning the effects of granting a permanent 1.15 million acre foot water contract without excess land provisions or full cost pricing. Requesters do not resell information obtained through FOIA.

Based on the foregoing, we respectfully request a full fee waiver for production of the requested records.

In the event that any of the requested documents or portions thereof are exempt from disclosure under 5 U.S.C. § 552(b)(1)-(9), we expect to receive all reasonably segregable portions of such records that are not themselves exempt, pursuant to 5 U.S.C. § 552(b).

Please contact the undersigned should you have any questions regarding this request. As provided by the FOIA, 5 U.S.C. § 552(a)(6)(A)(i), I look forward to a reply within



twenty working days. We would appreciate a “rolling release” of responsive documents as they become available to expedite our receipt of this important information.

Thank you in advance for your assistance.

A handwritten signature in cursive script that reads "Patricia Schifferle". The ink is dark and the signature is fluid and connected.

Patricia Schifferle