



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF  
REGIONAL  
COUNSEL

Reply To: ORC-158

MAY 8 2012

Nathan Paul Mehrens  
General Counsel  
Americans for Limited Government  
9900 Main street  
Suite 303  
Fairfax, Virginia 22031

Re: Freedom of Information Act Request 10-FOI-00221-12

Dear Mr. Mehrens:

This is in response to the Freedom of Information Act request letter from William Wilson, President, Americans for Limited Government, received by the U.S. Environmental Protection Agency (EPA) on April 19, 2012, regarding the costs to investigate and litigate the recent Supreme Court case, *Sackett v. Environmental Protection Agency*, No. 10-1062, decided on March 21, 2012.

Enclosed are copies of the documents from Region 10 that were requested in the letter under Category One: Records that disclose the costs to the EPA to investigate and litigate this case, including records that exist from the beginning of the investigation through the end of the litigation. Please note that EPA-Headquarters does not have responsive records to this category. Furthermore, information that was not considered responsive to your request was redacted, including personal privacy information and other identifiers related to travel authorization.

Also, we do not have responsive records from both Region 10 or EPA Headquarters to Category Two of your letter: Records that exist that disclose the number of hours spent by EPA personnel to investigate and litigate this case.

Your request falls under the "Other" fee category where two hours of search time and 100 pages are provided free of charge pursuant to 40 C.F.R. § 2.107(iv). Because the request did not reach the minimum billable amount, there are no charges associated with processing your request.

This is not an adverse determination. However, under FOIA you have the right to appeal this response if you believe:

- Records denied in whole or in part;
- No responsive records have been located;
- Denied request for fee waiver in whole or in part;

- Denied request for expedited treatment;
- Request fee category assignment;
- Agency has fully responded but because of the voluminous nature of the request, the requester may challenge the reasonableness of the search for records

Submit your appeal letter to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, E-mail: [hq.foia@epa.gov](mailto:hq.foia@epa.gov). Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the FOI number listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

This concludes the EPA Region 10 response to FOIA request number 10-FOI-00221-12.

Sincerely,



R. David Allnutt, Manager  
Multi-Media Unit 3

Enclosures