



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, KANSAS CITY DISTRICT
635 FEDERAL BUILDING
601 E 12TH STREET
KANSAS CITY MO 64106-2824

June 20, 2013

Office of Counsel
(FOIA 13-54)

Ms. Stephanie Hsiung
Sierra Club
1650 38th Street, Suite 102W
Boulder, Colorado 80301

Ms. Hsiung:

This is in response to your Freedom of Information Act (FOIA) request dated May 16, 2013. You seek documents related to the Enbridge Flanagan South pipeline project (Enbridge). We apologize for the lengthy delay in responding; however, because the requests were directed to several Corps districts, we coordinated with one another and with our Headquarters office in order to ensure consistency in Agency responses.

It has been determined that the requested records are exempt from release under Exemption 5 of the FOIA. Exemption 5 provides for withholding from release "intra-agency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency." 5 U.S.C. § 552(b)(5). The documents you requested are not releasable under the deliberative process privilege of Exemption 5. All documentation prepared by the Corps and Enbridge until the Corps renders its final permit decision is considered to be deliberative and not releasable, other than what is published by the Corps via Public Notice.

Because your request has been denied, you are advised of your right to appeal the above determinations through this office. An appeal must be received within 60 days of the date of this letter. The envelope should bear the notation "Freedom of Information Act Appeal" and should be send to the U.S. Army Corps of Engineers, Kansas City District; ATTN: Office of Counsel, Room 665; 601 East 12th Street; Kansas City, Missouri 64106-2824. Upon receipt of an appeal, we will then forward it to our Washington Office for processing to the Office of the Secretary of the Army.

If you have any questions, you may contact Kacy Campbell-Patti, Paralegal Specialist, at 816-389-3472, or by facsimile at 816-389-2019.

Sincerely,

Kevin W. Bond
District Counsel