



South Carolina Native Plant Society
Upstate Chapter

January 16, 2008

Ms. Michelle E. Crawford
Department of the Army
Charleston District, Corps of Engineers
69A Hagood Avenue
Charleston, SC 29403-5107.

Re: APPEAL to FOIA Request No. OC-08-261554 pursuant to
5 U.S.C. 522: Tyger River Dam-PAS Union County Report

Dear Ms. Crawford:

This letter is sent as an appeal to my initial FOIA request dated November 30, 2007.

According to conversations with representatives of the Corps of Engineers, the Union County PAS Tyger River Dam project report has been completed since May, 2007. I am aware of the fact that the Union County PAS Tyger River Dam project report has been released by the US Corps of Engineers and by Union County to other persons and entities other than Union County.

This is a project funded with taxpayer dollars involving Federal lands and waters and *subject to the FOIA*.

Your decision to deny my request based on an exemption due to attorney client work product is not relevant in this case. This study is merely a compilation of facts and data related to the project and not a working paper entitled to attorney-client exemptions which are intended to protect work product and preparations for a trial. Further, the study has been released to third parties who are not clients of any attorneys for the Corps of Engineers.

As to the assessment of fees pursuant to FOIA, I would ask that they be waived in that I am writing to you as a representative of a not for profit membership based conservation organization, incorporated in the State of South Carolina and operating in the nine county Upstate region. The purpose of the request is non-commercial with the intent to educate and inform our membership and the general public as to the actions of the Corp related to this project.

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Thank you for your prompt attention to this appeal.

Sincerely,

A handwritten signature in black ink that reads "Rick Huffman". The signature is written in a cursive style with a long, sweeping tail on the "n".

Rick Huffman
Upstate Chapter President
South Carolina Native Plant Society

RF:sc

cc: Lt. Col. Trey Jordan, Commander, US Army Corp of Engineers, Charleston District
Audubon of South Carolina
South Carolina Chapter of Sierra Club
South Carolina Environmental Law Project
South Carolina Wildlife Federation
Upstate Forever