



Rural Development

August 2, 2017

Michigan State Office

3001 Coolidge Road,
Suite 200
East Lansing, MI
48823

Mr. Vern Best

RE: Freedom of Information Act (FOIA) Request 2017-RD-05215-F REVISED

Voice 517.324.5190
Fax 855.813.7741

Dear Mr. Best:

This letter is the final response to your FOIA request where a revised request was received in this office on August 1, 2017 regarding electronic copies of documents relating to the Village of Bear Lake proposed water system improvement project. Specifically your revised request was:

- 1. Our request to know if funding has been guaranteed in this fiscal year relates not to the snow plow application but to the proposed water project for the Village of Bear Lake as you had previously stated there were almost 900 pages concerning current communication between USDA, Fleis & Vandenbrink and the Village of Bear Lake. Again we would like to express our concern at the lack of substantive information given to Village residents.*
- 2. Does USDA no longer publish a Preferred Project List, showing the points awarded in descending order for water and sewer applications?*
- 3. If there have been changes to the scope and plans for this proposed water system project which will/may affect final costs where can we obtain that information to share with Village residents and property owners? I trust you would agree this is public information?*
- 4. Also we would like to emphasize again that we have received a written confirmation from the Village of Bear Lake Clerk we will receive immediate notification of the publication of the bid package and information of how to access the proposed bid documents to review. Again we trust you will agree this is public information?*
- 5. Funds for the Village of Bear Lake water system project may have been obligated in 2016 but obviously we are now in a different fiscal year and a different political and financial climate. As property owners we are merely trying to get information of the exact cost and what will happen should the bids come back in excess of the actual USDA funds that are available - particularly in the form of grant.*

For request #1, enclosed is the award letter from 2016. There is no pending water project to be obligated.

For request #2, as previously stated, USDA Rural Development does not have a 'preferred priority list.' The State of Michigan Department of Environmental Quality (DEQ) may have

USDA is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (PDF), found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

a priority list, but Rural Development does not. You would have to contact the State of Michigan DEQ for their priority list. No records were found responsive to this request.

For request #3, your previous revision requested a copy of the official letter stating that the engineering plans have been approved, and that letter was supplied to you on July 26, 2017. At this time, USDA Rural Development is not aware if there are any changes to the scope of the project. The Village of Bear Lake's engineering firm would be the contact to request that information from.

For request #4, no records were found. The USDA, Rural Development, does believe the information would be public information because of the plans are open for bidding, but you will need to request those records from the Village of Bear Lake. Please note, the FOIA requires Federal Departments or Agencies to search for and determine whether or not records, i.e. existing documents which are held by the Department or Agency if requested may be released. The FOIA does not require any Department or Agency to create records or compile information which may be contained in various documents, or to analyze or interpret documents for a requestor.

For request #5, this is a new request and any search time or documents responsive to this request would have fees associated with them. However, this indicates another misunderstanding of the operation of the FOIA request. The USDA, Rural Development does not have any records responsive to this request. If bids come in higher, there are multiple scenarios that could happen. A portion of the project could be reduced or eliminated, bids could be negotiated with low bidders, additional loan/grant funds may be requested or a combination of these. The FOIA does not require any Department or Agency to analyze or interpret documents for a requestor.

The FOIA provides you the right to appeal this determination. Any appeal must be made in writing to the Administrator, Rural Utilities Service, 1400 Independence Avenue., S.W., Stop 1522, Washington, DC 20250-1522. The appeal must be received within 90 days from the date of this letter. The phrase "FOIA APPEAL" should be placed in capital letters on the front of the envelope.

The FOIA Request 2017-RD-05215-F is considered closed. Any additional requests will be considered subsequent requests and a new FOIA number will be used. Any subsequent requests will be assessed separately for a waiver of any applicable fees.



JASON P. CHURCH
Acting State Director

Enclosure

*This letter was only sent via email



Rural Development

March 16th, 2016

Michigan State Office

3001 Coolidge Rd
Suite 200
East Lansing, MI
48823

Jeff Bair, Village President
Village of Bear Lake
PO Box 175
Bear Lake, MI 49614

Voice 517.324.5156
Fax 855-813-7741
TDD/TTY: 711

RE: Water and Waste Disposal Loan and Grant – Water Systems Improvements

Dear Mr. Bair,

We are enclosing two Form RD 1940-1s, Request for Obligation of Funds, indicating that a loan in the amount of \$1,463,000 and a total Grant in the amount of \$2,547,000 have an obligation date of March 11th, 2016.

USDA, Rural Development reserved these funds for delivery upon fulfillment of the Letter of Conditions dated March 11th, which is also the date the Form RD 1942-46, Letter of Intent to Meet Conditions was signed.

If you have any questions regarding the completion of all final conditions, please do not hesitate to contact Rural Development Specialist, Blake Smith in the Traverse City Area Office at 231-941-0951.

Sincerely,



James J. Turner
State Director

Enclosure

cc: Area Director, Traverse City

USDA is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (PDF), found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.