

May 22, 2018

**BY FACSIMILE: (202) 501-2727**

U.S. General Services Administration  
FOIA Requester Service Center (H1F)  
1800 F Street, N.W., Room 7308  
Washington, D.C. 20405-0001

Re: Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and General Services Administration (“GSA”) regulations.

First, CREW requests copies of all records from November 9, 2016 to the present regarding the decision of GSA, announced in 2008, to sell Plum Island off the coast of Long Island, New York as well as the Orient Point Support Facility and related property and transportation assets.

Second, CREW seeks all communications between any GSA official(s) and Donald J. Trump or any members or representatives of the Trump Organization including but not limited to his sons Donald Trump, Jr. and Eric Trump and his daughter Ivanka Trump and son-in-law Jared Kushner, regarding the sale of Plum Island.

Third, CREW requests copies of all communications regarding the sale of Plum Island made by GSA Commissioner of the Federal Acquisition Service Alan Thomas; New England Regional Commissioner Joe Nickerson; New England Regional Administrator Stephen Stepanek; Northeast, and Caribbean Regional Administrator John A. Sarcone III; and Northeast Regional Commissioner Jeff Lau.

Fourth, CREW seeks copies of all communications between any GSA officials and officials within the Department of Homeland Security (DHS) including DHS’s Plum Island Animal Disease Center, Agricultural Research Service, and Animal and Plant Health Inspection Service regarding the sale of Plum Island.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages,

voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

### **Fee Waiver Request**

In accordance with 5 U.S.C. § 552(a)(4)(A) and GSA regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. See 5 U.S.C. § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. See, e.g., *McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

Plum Island is a U.S.-government owned island located in the Long Island Sound, between Connecticut and the north fork of Long Island, New York and is operated jointly by GSA and DHS.<sup>1</sup> The 840-acre island has served as a site for government labs and facilities and it also has roadways, utilities, a lighthouse, a harbor and several acres of undeveloped natural land and wildlife habitat.<sup>2</sup> In 2008, Congress passed the Consolidated Security, Disaster Assistance and Continuing Appropriations Act of 2009, which called for sale of the land and for a DHS facility on the island to be transferred to Manhattan, Kansas.<sup>3</sup>

The pending sale of the island became a contentious issue for residents, developers, environmental advocates, and politicians in both Connecticut and New York. Environmentalists and local lawmakers sought to preserve the pristine nature of the island while real estate developers, including representatives of the Trump Organization, positioned themselves to purchase the island.<sup>4</sup> According to press reports, Donald Trump was interested in buying the

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<sup>1</sup> *Sale of Plum Island, New York*, General Services Administration, last reviewed Feb. 21, 2018 available at <https://www.gsa.gov/about-us/regions/new-england-1/buildingsfacilities/development-projects/sale-of-plum-island-new-york>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> David M. Schwartz, *Donald Trump wants Plum Island for golf course*, *Newsday*, October 1, 2013 available at <https://www.newsday.com/long-island/suffolk/donald-trump-wants-plum-island-for-golf-course-1.6176972>; Ana

island to build a resort and golf course there as far back as 2013.<sup>5</sup> In 2017, the U.S. approved a bill to temporarily block the sale of the island in 2017, however the island is still scheduled to be sold and its future is uncertain.<sup>6</sup> After the 2016 election, local residents feared that Mr. Trump would use his power as president to enable the sale of the property.<sup>7</sup>

The responsive documents will shed light on the president's interest in Plum Island and the extent to which he has used his official position to implement policy decisions that would benefit his personal business interests.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, [www.citizensforethics.org](http://www.citizensforethics.org). The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public").

CREW routinely and systematically disseminates information to the public in several ways. CREW's website receives tens of thousands of page views every month. The website includes a blog that reports on and analyzes newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. In addition, CREW posts documents it receives under the FOIA at its website.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

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Radelat, *U.S. House votes to block Plum Island sale*, *The CT Mirror*, July 25, 2017 available at <https://ctmirror.org/2017/07/25/u-s-house-expected-to-vote-to-block-plum-island-sale/>.

<sup>5</sup> Schwartz, *Newsday*, Oct. 1, 2013.

<sup>6</sup> Radelat, *The CT Mirror*, July 25, 2017.

<sup>7</sup> David M. Schwartz, *Plum Island preservationists wary of Donald Trump presidency*, *Newsday*, December 3, 2016 available at <https://www.newsday.com/long-island/suffolk/plum-island-preservationists-wary-of-donald-trump-presidency-1.12696059>.

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### **Conclusion**

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at (202) 408-5565 or [jmorgan@citizensforethics.org](mailto:jmorgan@citizensforethics.org). Also, if CREW's request for a fee waiver is not granted in full, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to me either at [jmorgan@citizensforethics.org](mailto:jmorgan@citizensforethics.org) or at John Morgan, Citizens for Responsibility and Ethics in Washington, 455 Massachusetts Ave., N.W., Washington, D.C. 20001. Thank you for your assistance in this matter.

Sincerely,

John R. Morgan  
Senior Researcher