

*Appendix C272*

Correspondence with USACOE

**Transportation  
Land Development  
Environmental**  
Services



VHB Engineering, Surveying and Landscape Architecture, P.C. | Affiliated with Vanasse Hangen Brustlin, Inc.

July 20, 2009

Ref: 27743.00

Annette Baden  
Assistant to the Freedom of Information Act Officer  
U.S. Army Corps of Engineers  
26 Federal Plaza  
Office of Counsel, Room 1837  
New York, NY 10278-0090

Re: Freedom of Information Act Request for Mitchel Field

Dear Ms. Baden,

VHB Engineering, Surveying and Landscape Architecture, P.C. ("VHB") is conducting an environmental assessment of the former Mitchel Field in relation to the Omni Office Building, located at 333 Earle Ovington Boulevard in Uniondale, New York. VHB is requesting any and all information pertaining to soil, groundwater, and/or soil vapor data relating to the current and historic environmental conditions at the Mitchel Field property.

Please do not hesitate to contact me. I can be reached at 631-234-3444 or by email at [gernst@vhb.com](mailto:gernst@vhb.com).

Very truly yours,

VHB Engineering, Surveying and Landscape Architecture, P.C.

A handwritten signature in black ink, appearing to read "G Ernst", written over a horizontal line.

Gregory Ernst  
Senior Project Manager

GE/ba



DEPARTMENT OF THE ARMY  
NEW YORK DISTRICT, CORPS OF ENGINEERS  
JACOB K. JAVITS FEDERAL BUILDING  
NEW YORK, N.Y. 10278-0090

REPLY TO  
ATTENTION OF

27 July 2009

Office of Counsel

SUBJECT: Freedom of Information Act Request No. FA-09-0205

Gregory Ernst  
VHB Engineering, Surveying and  
Landscape Architecture, P.C.  
2150 Joshua's Path  
Suite 300  
Hauppauge, NY 11788

Dear Mr. Ernst:

This acknowledges your request pertaining to **soil, groundwater, and/or soil vapor data relating to the current and historic environmental conditions at the Mitchel Field Property.** Your request was received in this office on Jul 27, 2009 and has an estimated completion date of Aug 24, 2009.

Please be advised that we are searching our files to determine whether the requested information is available. You will be notified of the availability of the information when the search is completed. Further it may well be that your access to these documents may be delayed due to the need to collect records from different offices which may be voluminous. We will, of course make every effort to provide you with access to whatever relevant documents are found in a timely manner.

Pursuant to the applicable FOIA regulations, you may be charged search and copying fees for processing your request. Further, releasable documents may be provided to you on a CD. At this time we do not have a cost figure to give you. In the event that the fees are in excess of **\$50.00**, we will contact you to ascertain if we should proceed with your request.

If you have any questions, please contact the undersigned at Telephone No. 917-790-8060.

Sincerely,

A handwritten signature in cursive script, appearing to read "Annette Baden".

Annette Baden  
Assistant to the Freedom of  
Information Act Officer

2009-08-24 10:16

FAX

12122648171 &gt;&gt; 234 3477

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REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
NEW YORK DISTRICT, CORPS OF ENGINEERS  
JACOB K. JAVITS FEDERAL BUILDING  
NEW YORK, N.Y. 10276-0090

OCT 18 2009

18 Aug 2009

Office of Counsel

SUBJECT: Freedom of Information Act Request No. FA-09-0205

Gregory Ernst  
VHB Engineering, Surveying and  
Landscape Architecture, P.C.  
2150 Joshua's Path  
Suite 300  
Hauppauge, NY 11788

Dear Mr. Ernst:

This is in response to your Freedom of Information Act request pertaining to soil, groundwater, and/or soil vapor data relating to the current and historic environmental conditions at the Mitchel Field Property.

Please be advised that we conducted a thorough search of our District files and the documents are not available at this time.

A "no records" response is an "adverse determination" under 5 U.S.C. 552(a)(6)(A)(i) since the requester did not receive the documents it requested. Oglesby v. Department of the Army, 920 F2d 57, 67 (D.C. Cir. 1990). As a result, a requester wishing to challenge the adequacy of the search must have the opportunity to appeal a "no records" response to the head of the agency. In the present situation, the undersigned is the Initial Denial Authority for "no records" denial. You have the right to appeal this determination through our office to the Secretary of the Army.

2009-08-24 10:16

FAX

12122648171 &gt;&gt; 234 3477

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An appeal must be received within 60 days of the date of this letter. The envelope containing the appeal should bear the notation "**Freedom of Information Act Appeal**" and should be sent to:

U.S. Army Engineer District, New York,  
ATTN: Office of Counsel, Room 1837  
26 Federal Plaza  
New York, NY 10278

Sincerely,



Lorraine Lee  
District Counsel  
Initial Denial Authority  
Freedom of Information  
Act Officer