



**Allen, Pam, NMENV**

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**From:** Maestas, Ricardo, NMENV  
**Sent:** Thursday, March 06, 2014 2:25 PM  
**To:** Allen, Pam, NMENV  
**Subject:** FW: IPRA Communication - Carlsbad Field Office  
**Attachments:** letter001 (4).pdf; memo001 (8).pdf

Email and attachment for WIPP file.

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**From:** Kliphuis, Trais, NMENV  
**Sent:** Saturday, February 22, 2014 12:40 PM  
**To:** Maestas, Ricardo, NMENV; Smith, Coleman, NMENV; Holmes, Steve, NMENV  
**Subject:** FW: IPRA Communication - Carlsbad Field Office

FYI

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**From:** Kielling, John, NMENV  
**Sent:** Friday, February 21, 2014 4:34 PM  
**To:** Kendall, Jeff, NMENV; Hower, Jennifer, NMENV; Blaine, Tom, NMENV; Skibitski, Thomas, NMENV; Kliphuis, Trais, NMENV  
**Cc:** Mascarenas, Melissa, NMENV  
**Subject:** FW: IPRA Communication - Carlsbad Field Office

Jeff and others:

See the IPRA request below from Jeri Clausing, Associated Press.

We need to discuss on how to respond.

Thanks, John

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**From:** Mascarenas, Melissa, NMENV  
**Sent:** Friday, February 21, 2014 4:25 PM  
**To:** Kielling, John, NMENV; king, jack, NMENV; Kesler, Michael, NMENV  
**Cc:** Jimenez, Billy, NMENV; Winchester, Jim, NMENV  
**Subject:** FW: IPRA Communication - Carlsbad Field Office

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**From:** Winchester, Jim, NMENV  
**Sent:** Friday, February 21, 2014 4:01 PM  
**To:** Mascarenas, Melissa, NMENV  
**Cc:** Kendall, Jeff, NMENV; Flynn, Ryan, NMENV; Winchester, Jim, NMENV  
**Subject:** IPRA Communication - Carlsbad Field Office

IPRA from AP on the WIPP incidents.

This seems like a very burdensome request.

I would suggest someone from legal contact her and explain that it's too broad.

--jim



Jim Winchester  
Communications Director  
New Mexico Environment Department &  
Energy, Minerals & Natural Resources Department  
505.231.8800 (Cell Direct)  
[jim.winchester@state.nm.us](mailto:jim.winchester@state.nm.us)

**From:** Clausing, Jeri [<mailto:JClausing@ap.org>]  
**Sent:** Friday, February 21, 2014 3:39 PM  
**To:** Winchester, Jim, NMENV  
**Subject:** IPRA

Hi Jim – Do I send this to you? or someone else? Thanks.



Feb. 21, 2014

This is a request under the New Mexico Inspection of Public Records Act, New Mexico Stat Ann. §§ 14-2-1 – 14-2-12 (the “Act”), and under the common law right of access. I am making this request in my capacity as a full-time journalist with The Associated Press.

Pursuant to the Act, I am requesting a copy of the following public records:

All communication between the New Mexico Environment Department, the Department of Energy’s Carlsbad Field Office for the month of February. This request includes, but is not limited to, any and all documents, notes, correspondence or memoranda, in whatever tangible or physical form, that relate to the requested records.

I would like to receive the information in electronic format.

I ask that you waive any and all fees associated with this request. I am making the request as an AP reporter and this request is made as part of newsgathering. Release of the information will primarily benefit the general public because it will contribute significantly to the public understanding of the governor. If you deny this request for a fee waiver, please advise me in advance of the estimated charges if they are to exceed \$50. I remind you that a public body may only charge “reasonable fees.” New Mexico Stat Ann. § 14-2-9.

If this request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the Act, and inform me of appeals procedures available to me under the law. I also expect you to release all segregable portions of otherwise exempt material. I reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

Under the Act, this request must be acted upon as soon as possible, but in no event later than fifteen (15) business days following receipt of this letter. New Mexico Stat Ann. § 14-2-10.

As I am making this request as a journalist and the information is of timely value, I would appreciate your communicating with me by telephone 505-822-900 or [jclausing@ap.org](mailto:jclausing@ap.org), rather than by mail, if you have questions regarding this request

I would appreciate your handling this request as quickly as possible, and I look forward to hearing from you.

Thank you for your assistance.

Sincerely,



Jeri Clausing  
Supervisory Correspondent  
Albuquerque, N.M.  
(o) 505-822-9022  
(c) 505-228-8437

The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621-1898 and delete this email. Thank you.

[IP\_US\_DISC]

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SUSANA MARTINEZ  
Governor  
JOHN A. SANCHEZ  
Lieutenant Governor

NEW MEXICO  
ENVIRONMENT DEPARTMENT

*Office of the Secretary*

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Jeffrey M. Kendall, General Counsel



RYAN FLYNN  
Cabinet Secretary  
BUTCH TONGATE  
Deputy Secretary

February 21, 2014

VIA E-MAIL

Jeri Clausing  
[JClausing@ap.org](mailto:JClausing@ap.org)

Re: Request to Inspect Public Records

Dear Ms. Clausing:

On February 21, 2014 this office received a request for public information. You request information pertaining to: all communication between NMED, Department of Energy's Carlsbad Field Office for the month of February. (See attached request).

I forwarded your request to the bureau on February 21, 2014. The bureau will respond by March 10, 2014.

Should you have any questions, please contact the Hazardous Waste Bureau at (505) 476-6035, the District III Field Office at (575) 885-9023.

Sincerely,

Melissa Y. Mascareñas  
New Mexico Environment Department  
Department Public Records Custodian

cc: John Kieling, Chief, Hazardous Waste Bureau  
Jack King, Acting Bureau Chief, Field Operations & Infrastructure Division  
Michael Kesler, Acting District Manager



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RYAN FLYNN  
Cabinet Secretary  
BUTCH TONGATE  
Deputy Secretary

Jeffrey M. Kendall, General Counsel

MEMORANDUM

To: John Kieling, Chief, Hazardous Waste Bureau  
Jack King, Acting Bureau Chief, Field Operations & Infrastructure Division  
Michael Kesler, Acting District Manager

From: Melissa Y. Mascareñas, Department Public Records Custodian *Mys*

Date: February 21, 2014

Subject: Request to Inspect Public Records

We have received a request from Ms. Jeri Clausing asking for information regarding:

SEE ATTACHED REQUEST

The Inspection of Public Records Act requires a response to a requester of public records within fifteen (15) calendar days from receipt of a request. Please respond to the requestor by no later than **March 10, 2014**.

Your response may take several forms:

- a) Provide the requested information; or
- b) Notify the requester of a delay; you must give reasons for the delay and the date when the information will be available; or
- c) Deny the request or part of it; provide the records that can be released and identify the reason(s) for denial of any records; or
- d) Ask for more information or clarification; and
- e) Notify the requester of any mailing or photocopy charges.

A copy of my initial response to this request is attached for your records. **Please provide me with a copy of any responses you make to this request and/or notify me when the records have been made available for inspection.**