

From: Persampieri, Nick
Sent: Friday, October 7, 2022 3:34 PM
To: Brandi Backus <bbackus@historyassociates.com>
Subject: Vermont Public Records Act Request

Brandi,

Please see the attached letter. Have a great weekend!

Nick

Nicholas F. Persampieri
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609
(802) 828-6902

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**STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001**

October 7, 2022

Brandi Backus

By email to: bbackus@historyassociates.com

Re: History Associates. Inc., First Vermont Public Records Act Request

Dear Brandi,

I write in response to the first Vermont Public Records Act request of History Associates, Inc., which was emailed to us by James Mitchell on July 8, 2022 at 4:32:59 pm, and was logged in as received by our office on July 9, 2022. As written, the request sought:

Copies of electronic correspondence that was sent between January 1, 2016, and the date you process this request, (including emails that were received or sent as either cc: or bcc:) between any employee or official of the OAG, including the Attorney General, and any of the following public entities:

- New Venture Fund, including emails transmitted or received from the following domain: “@newventurefund.org”. To assist with the identification of potentially-responsive records we include the following email address that may be associated with this entity:

Kenny Bruno (including Kenny.bruno@verizon.net)

- Rockefeller Family Fund, including emails transmitted or received from the following domain: “@rffund.org”

- 350.org, including emails transmitted or received from the following domain: “@350.org”. To assist with the identification of potentially-responsive records we also include the following email address that may be associated with this entity:

Bill McKibben (including bill.mckibben@gmail.com)

- Public Citizen, including emails transmitted or received from the following domain: “@citizen.org”.
- Working Families Party, including emails transmitted or received from the following domain: “@workingfamilies.org”
- Climate Investigations Center, including emails transmitted or received from the following domain: “@climateinvestigations.org”. To assist with the identification of potentially-responsive records we also include the following email address that may be associated with this Center:

Kert Davies (including kertmail@gmail.com)

- Center for Climate Integrity, including emails transmitted or received from the following domain: “@climateintegrity.org”.
- Energy Foundation, including emails transmitted or received from the following domain: “@ef.org”
- Our Future, including emails transmitted or received from the following domain: “@ourfuture.org”
- V. Kann Rasmussen Foundation, including emails transmitted or received from the following domain: “@vkrf.org”
- Center for International Environmental Law, including emails transmitted or received from the following domain: “@ciel.org”. To assist with the identification of potentially-responsive records we also include the following email addresses that may be associated with this Center:

Matt Pawa (including mp@pawalaw.org and/or mattp@hbsslaw.com)
Sharon Eubanks (including Seubanks@bordaslaw.com)

- Conservation Law Foundation, including emails transmitted or received from the following domain: “@clf.org”
- Oil Change International, including emails transmitted or received from the following domain: “@priceofoil.org”
- Follow This, including emails transmitted or received from the following domain: “@follow-this.org”
- Greenpeace International, including emails transmitted or received from the following domain: “@greenpeace.org” To assist with the identification of potentially-responsive records we also include the following email address that may be associated with this entity:

John Passacantando (including j.passacantando@gmail.com)

- Bloomberg Philanthropies, including emails transmitted or received from the following domain: “@bloomberg.org”

- Sabin Center for Climate Change Law. To assist with the identification of potentially-responsive records we include the following email address that may be associated with this Center:

climateschool@columbia.edu

Michael Burger (including mhb2004@columbia.edu)

Michael Gerrard (including mgerra@law.columbia.edu)

- Climate Social Science Network. To assist with the identification of potentially-responsive records we include the following email address that may be associated with this Network:

J. Timmons Roberts (including J_Timmons_Roberts@brown.edu)

- Center for Human Rights and Global Justice at NYU School of Law. To assist with the identification of potentially-responsive records we include the following email address that may be associated with this Center:

César Rodríguez-Garavito (including cesar.rodriguez@nyu.edu)

- Earth System Science Center at Penn State University. To assist with the identification of potentially-responsive records we include the following email address that may be associated with this Center:

Michael Mann (including mann@psu.edu)

- Environmental and Oceans Law Certificate Program at University of Maine School of Law. To assist with the identification of potentially-responsive records we include the following email address that may be associated with this Center:

Anthony Moffa (including anthony.moffa@maine.edu)

- Union of Concerned Scientists, including emails transmitted or received from the following domain: “@ucsusa.org”

- State Energy & Environmental Impact Center at NYU School of Law. To assist with the identification of potentially-responsive records we include the following email addresses that may be associated with this Center:

stateimpactcenter@nyu.edu
david.hayes@nyu.edu
djh466@nyu.edu
davidjhayes01@gmail.com
elizabeth.klein@nyu.edu
ek3041@nyu.edu
brittany.whited@nyu.edu

- Harvard University Center for the Environment. To assist with the identification of potentially-responsive records we include the following email addresses that may be associated with this Center:

huce@environment.harvard.edu
Dr. Peter C. Frumhoff (including frumhoff@fas.harvard.edu)

- Emmett Environmental Law and Policy Clinic at Harvard Law School. To assist with the identification of potentially-responsive records we include the following email addresses that may be associated with this Clinic:

EmmettClinic@law.harvard.edu
Shaun Goho (including sgoho@law.harvard.edu)
Naomi Oreskes (including oreskes@fas.harvard.edu)
Geoffrey Supran (including gisupran@fas.harvard.edu)

- Emmett Institute on Climate Change and the Environment at UCLA School of Law. To assist with the identification of potentially-responsive records we include the following email addresses that may be associated with the Institute:

Ann E. Carlson (carlson@law.ucla.edu)
Sean B. Hecht (hecht@law.ucla.edu)
Cara Horowitz (horowitz@law.ucla.edu)

- School of Ocean and Earth Science and Technology (SOEST), University of Hawai'i at Manoa. To assist with the identification of potentially-responsive records we include the following email addresses that may be associated with SOEST:

Chip Fletcher (including fletcher@soest.hawaii.edu)

- Environmental Law Program, University of Hawai'i at Manoa, William S. Richardson School of Law. To assist with the identification of potentially-responsive records we include the following email addresses that may be associated with this Program:

David M Forman (including dmforman@hawaii.edu)
D. Kapua'ala Sproat (including kapuas@hawaii.edu)

Makena Coffman (including makenaka@hawaii.edu)

- Center for Climate Change Communication, George Mason University. To assist with the identification of potentially-responsive records we include the following email addresses that may be associated with this Center:

Edward Wile Maibach (including emaibach@gmu.edu)

- Stanford Interdisciplinary Graduate Fellowship, Stanford University. To assist with the identification of potentially-responsive records we include the following email addresses that may be associated with this Fellowship:

sigf@stanford.edu

Benjamin Franta (including bafranta@stanford.edu and bafranta@gmail.com)

- Environmental Advocacy Clinic at Vermont Law School. To assist with the identification of potentially-responsive records we include the following email addresses that may be associated with this Clinic:

Pat Parenteau (including pparenteau@vermontlaw.edu)

And that includes, in either the subject line or message body, any of the following terms: “fossil fuel,” “greenhouse gas,” “GHG,” “greenwash,” “global warming” and/or “climate change.”

Between July 9 and July 18, 2022, we received nine separate Vermont Public Records Act requests, which were submitted by James Mitchell on behalf of History Associates, Inc. In telephone conversations on July 18 and August 1, 2022, I discussed with Mr. Mitchell the possibility of limiting the scope of a number of the requests, including the first request which is the subject of this letter. As is reflected in a July 22, 2022 email from Mr. Mitchell to me and an August 4, 2022 email from me to Mr. Mitchell, History Associates, Inc., agreed to limit its first request to communications involving our Environmental Protection Division or front office (including anyone who was in those units going back to January 1, 2016). Thus, this response addresses records within the scope of this agreed to limitation.

Please be advised that in response to the request the State will produce 362 records at this time. We plan to produce the documents by providing you access to a State of Vermont SharePoint Site. A guide to accessing the Site is attached. Our paralegal, Natasha Sala, will be reaching out to you by email with an invitation to access the Site and can assist you in doing so.

Please also be advised that we are withholding three records because they are exempt from disclosure pursuant to 1 V.S.A. § 317(c)(4) (attorney client-privilege and work product protection). The withheld records concern legal analysis of potential litigation related to climate change.

Additionally, please be advised that we expect to produce a few additional records responsive to your first request within the next two weeks. I anticipate that material that is exempt from disclosure will be redacted from some of these records. This will be further described in a letter accompanying the supplemental production.

In a September 2, 2022 email, I provided you with a cost estimate of \$575 for your first request. In a September 8, 2022 email, you asked me to proceed with the first request. The charges in connection with the request to date total \$535.80. Please send a check to me payable to the Vermont Attorney General's Office in the amount of \$535.80. Please note that there may be additional charges for additional document review, redaction and production.

If you believe any information or records have been withheld in error, you may appeal to Deputy Attorney General Joshua Diamond at the following email address: Joshua.Diamond@vermont.gov.

Sincerely,

/s/ Nicholas F. Persampieri

Nicholas F. Persampieri
Assistant Attorney General

From: Sala, Natasha <Natasha.Sala@vermont.gov>

Sent: Friday, October 7, 2022 3:50 PM

To: Persampieri, Nick <nick.persampieri@vermont.gov>; bbackus@historyassociates.com

Subject: Sala, Natasha shared the folder "History Associates PR Request One" with you.



Sala, Natasha shared a folder with you

Hello Brandi,

I am sending you this link on behalf of Vermont AAG Nick Persampieri. As addressed in the response letter, please first setup your authenticator account in order to access the SharePoint site using the external guide for external users. If you run into any issues, please feel free to contact me.

Regards,
Natasha Sala
Paralegal



[History Associates PR Request One](#)



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