



United States Department of the Interior

BUREAU OF OCEAN ENERGY
MANAGEMENT, REGULATION, AND ENFORCEMENT
Washington, DC 20240

October 7, 2010

Ron Huber
Penobscot Bay Watch
POB 1871
Rockland Maine 84841

REF: MMS-2011-0004

Dear Huber:

The Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE) received your FOIA request dated September 27, 2010 on October 1, 2010 and assigned it Request No. MMS-2011-0004.

In your request, you sought records regarding ocean wind energy development in Maine state waters and waters offshore of Maine in Federal and EEZ waters of the Gulf of Maine.

In your letter, you also requested a fee waiver. However, you did not provide sufficient justification to qualify for a fee waiver under the Department's FOIA regulations (43 CFR Part 2, Appendix D). The statutory requirement for granting a fee waiver is that release of the information must be in the public interest because it—

- (1) Is likely to contribute significantly to public understanding of the operations and activities of the Government; and
- (2) Is not primarily in your commercial interest.

To assist us in making a decision on your request for a fee waiver, we ask that you address the following as applicable. You must be specific in addressing the Department's fee waiver criteria for each request you submit, regardless of whether you may have been granted a fee waiver previously.

- (1) Explain how the records you are seeking will be meaningfully informative with respect to the bureau's operations and activities. Your identity, vocation, qualifications, and expertise regarding the requested information may be relevant factors.
- (2) Explain how disclosure of the records will contribute to the understanding of the public at large or a reasonably broad audience as opposed to only enhancing your knowledge.

- (3) Explain how and to whom you intend to disseminate the information and how you intend to use the information to contribute to public understanding.
- (4) Explain how release of the requested records will contribute significantly to public understanding. For example, is the information being disclosed new, does the information confirm or clarify data released previously, and is the information publicly available? Explain how disclosure will increase the level of public understanding that existed prior to disclosure.
- (5) Explain whether you have a commercial interest that would be furthered by disclosure and if so, whether the public interest in disclosure would be greater than any commercial interest you or your organization would have in the documents.

If you are still interested in obtaining these documents, please provide additional information to justify your fee waiver request or written assurance of your willingness to pay all fees or specify the maximum amount that you are willing to pay for the bureau to process your request. This will allow us to begin processing your request for records while considering your fee waiver request. If the bureau grants your fee waiver request, we will not charge fees to the extent that it grants the waiver. If you have agreed to pay fees up to a particular amount, we will contact you when we have processed your request up to that amount before proceeding further. If we do not hear from you by October 15, 2010 we will deny your fee waiver request since it does not meet DOI's fee waiver criteria. We will then close the file on your FOIA request.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

Shari Baloch /s/

Shari Baloch
FOIA Officer
BOEMRE/OEMM