



United States Department of the Interior

OFFICE OF THE SOLICITOR
Washington, D.C. 20240

IN REPLY REFER TO:
Appeal No. 2015-096

June 1, 2015

Barbara Vlamis
AquAlliance
P.O. Box 4024
Chico, CA 95927

Dear Ms. Vlamis:

This responds to the April 20, 2015, Freedom of Information Act (“FOIA”) appeal (“appeal”) that you filed with the Department of the Interior (“Department”) on behalf of AquAlliance, which the Department received on April 22, 2015 (the date the Department received all of the documents that you are required to submit in order to file an appeal).

Your appeal, which the Department assigned as **Appeal Number 2015-096**, concerns AquAlliance’s March 11, 2015, FOIA request to the Bureau of Reclamation (“BOR”) that sought records that involve the Fish and Wildlife Coordination Act and BOR projects since January 1, 2010, to the present and communications regarding the Shasta Raise Fish and Wildlife Coordination Act report from October 1, 2014, to the present. You filed the appeal to challenge the BOR’s decision to deny AquAlliance’s request for a statutory fee waiver¹ associated with the processing of its FOIA request.

After fully reviewing this matter, the Department concludes that AquAlliance has provided sufficient information in the appeal to cure whatever defects the BOR found with the initial fee waiver justification and has established that it is entitled to a statutory fee waiver for the processing of the March 11, 2015, FOIA request. In the appeal, you explain with reasonable specificity why AquAlliance wants the requested documents, what it intends to do with them, to whom and how it plans on distributing them, and its expertise in evaluating the information requested,² thereby establishing that the request meets the requirements for a statutory fee waiver. Therefore, the appeal challenging the denial of the fee waiver is **GRANTED**.

Because the Department has granted the fee waiver and, thus, has resolved all issues related to fees, **pursuant to the authority granted to the FOIA Appeals Officer by the Secretary of the Interior,³ by copy of this letter, the BOR is directed to proceed with the processing of the FOIA request.**⁴

¹ The FOIA directs agencies to provide documents to FOIA requesters without charge or at a reduced charge “if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii).

² See *Friends of the Coast Fork, et al. v. United States Department of the Interior*, 110 F.3d 53, 55 (9th Cir. 1997) (finding that Plaintiffs made a “prima facie showing that disclosure to [their organizations] is ‘likely to contribute significantly to public understanding’ where Plaintiff identified why they wanted the requested documents, what they intended to do with them, to whom they planned on distributing them, and the expertise of their membership.”).

³ 43 C.F.R. § 2.60.

This completes the Department's response to your appeal. If you have any questions regarding this matter, please call the FOIA Appeals Office at (202) 208-5339.

Sincerely,



Darrell R. Strayhorn
FOIA Appeals Officer
Department of the Interior

cc: Debbie Suehr, FOIA Officer, BOR (**FOR ACTION**)
Christopher Miller, Regional FOIA Officer, BOR- Mid-Pacific Region
Kevin Mack, Assistant Regional Solicitor, SOL-Pacific Southwest Region
Cindy Cafaro, Departmental FOIA Officer

⁴ 43 C.F.R. § 2.61(c).