



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
Office of National Marine Sanctuaries
1305 East-West Highway
Silver Spring, Maryland 20910

MAY 01 2009

Mr. James P. Walsh
Davis Wright Tremaine LLP
Suite 800
505 Montgomery Street
San Francisco, CA 94111-6533

RE: Freedom of Information Act Request – 2009-00009

Dear Mr. Walsh:

This fee waiver notification is in response to your Freedom of Information Act (FOIA) request 2009-0009 dated October 3, 2008. You specifically seek copies of all documents, letters, emails, communications, reports, research results, analyses and other such information (the “documentary record”) in the possession of the MBNMS and the Office of the National Marine Sanctuaries (ONMS) with respect to the decision on the need for MPAs in federal waters of the Monterey Bay National Marine Sanctuary (MBNMS).

Pursuant to the fee waiver statutory requirements set forth at 5 U.S.C. § 552(a)(4)(A)(iii), documents shall be furnished without any 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. In order to determine whether the statutory requirements are met, the agency additionally considered the factors enumerated in 15 CFR 4.11(k).

We determined your fee waiver request adequately addressed the statutory requirements. You have been granted a waiver for the search, review, and duplication of relevant requested documents that are not in the public domain. However, a duplication fee of \$0.16/page will be charged for duplication of documents (excluding the first 100 pages) that are already available in the public domain.

Please be advised granting this waiver does not automatically apply to future requests by you or your organization. Fee waivers are determined on a case by case basis under statutory requirements and agency fee waiver factors.

We ask that you work directly with Mike Eng of the MBNMS staff to clarify your request, e.g. whether you would like documents that are in the public domain.

Sincerely

A handwritten signature in blue ink that reads "Aida Pettegrue". The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

Aida Pettegrue
FOIA Liaison
Office of National Marine Sanctuaries