

ONRR FOIA
Office of Natural Resources Revenue
PO Box 25165, Mail Stop 60540A
Denver, CO 80225-0165
Phone: (303) 231-3078
Fax: (303) 445-4288

June 14, 2016

Dear Record Request Officer,

In accordance with the Freedom of Information Act (FOIA), 5 U.S.C. Sec. 552, Climate Investigations Center requests a copy of each of the following documents, or access to them for inspection or duplication, which are in the possession of or generated by the Office of Natural Resources Revenue:

Sales volume data for all federal coal mined in 2015 and between January 1, 2016 and May 31, 2016 by company, excluding royalty data.

We request that you search the above records for the time period of **January 1, 2015 to the date this request is received by your office.**

FEE CATEGORY

In addition to this request for materials under the Freedom of Information Act, I am requesting a fee waiver on behalf of Climate Investigations Center.¹ Climate Investigations Center seeks the above listed records for noncommercial use as a representative of the news media. Climate Investigations Center qualifies as a news media organization under the definition provided by Congress in the OPEN Government Act because it “gathers information of potential interest to a large segment of the public, and uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.”

Climate Investigations Center is entitled to a fee waiver because this request for records concerns activities or operations of the government, and because disclosure of requested records will likely increase public understanding of government operations since Climate Investigations Center has the ability and the intention, through the means described below, to effectively convey information contained within the requested records to a broad public audience.²

¹ FOIA’s fee waiver provision “is to be liberally construed in favor of waivers for noncommercial requesters.” *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987) (quoting 132 Cong. Rec. S14,298 (Sept. 30, 1986) (statement of Sen. Leahy))

² See 40 C.F.R. 2.107; see also *Friends of the Coast Fork v. United States DOI*, 110 F.3d 53, 55 (9th Cir. 1997) (interpreting the fee waiver provision as a liberally construed multi-factor balancing test).

Specifically, Climate Investigations Center is seeking this FOIA request because the information in it is of interest to a large portion of the public, including those that acquire information through our website, blogs, and social media networks. In addition, Climate Investigations Center reaches out to many traditional news media outlets that broadcast our research and publications. Climate Investigations Center plans to compile the information from this request into a distinct, original work that will be released to the public through our website, blogs, and social media networks.

FEE WAIVER

Climate Investigations Center meets the Department of Interior criteria for receiving a fee waiver for this FOIA request, as detailed in 43 C.F.R. § 2.48.

1) Climate Investigations Center is requesting documents that concern the operations or activities of the government. Climate Investigations Center is specifically requesting data showing **how many tons of federal coal each company paid royalties on in 2015 and between January 1 and May 31, 2016**, which will shed light on the federal coal program. Climate Investigations Center is not seeking the documents in order to obtain intrinsic information regarding royalties or other business operations that happen to be in the possession of the Interior Department. Instead, Climate Investigations Center is solely seeking information on **sales volume data for all federal coal mined in 2015 and between January 1, 2016 and May 31, 2016 by company, excluding royalty data**.

2) This information, which will be disseminated through our work using multiple channels, contributes to public understanding of federal government activities because it sheds light on important details about the federal coal program, which is administered by the Interior Department. Climate Investigations Center would compile the information provided through this FOIA request into a distinct, original work that includes our perspective on the disclosed activities. We would disseminate this work to the public through our website, blogs, and social media networks. Subscribers to our networks represent a broad cross-section of society. We would also reach out to traditional news media outlets that broadcast our research and publications.

3) Climate Investigations Center has not found any publicly available information that details **sales volume data for all federal coal mined in 2015 and between January 1, 2016 and May 31, 2016 by company**. We believe this information is not currently available in the public domain and will contribute to the understanding of the public at large because of growing public interest in the federal coal program.

4) As noted in #2, there is currently no publicly available information on **sales volume data for all federal coal mined in 2015 and between January 1, 2016 and May 31, 2016, by company**. Likewise, Climate Investigations Center believes the public is increasingly concerned about the federal coal program. As discussed above, fulfillment of this request would shed light on important details about the federal coal program which will enhance the public's

understanding of this area of increasing public interest. For instance, an earlier FOIA request for sales volume data for all federal coal mined in 2014 by company was published in an original report and infographic, and reported by several media outlets.

5) Climate Investigations Center is a not-for-profit association of writers and advocates that uses research to inform the public, the media, and policy makers on energy and climate change issues, and we have no commercial interest in the information provided through this FOIA request. None of the information we will obtain from this FOIA will be sold or otherwise utilized for content that has commercial value.

In as much as Climate Investigations Center is making this request in the course of carrying out its public education and nonprofit activities, we request that charge for duplicating be waived. If you deny all or any part of this request, please cite each specific exemption that you believe justifies your withholding of information. Please be sure to notify me of appeal procedures available under the law in the event of any denial.

Please also contact me with any questions regarding this request at 831-566-5647 or joe@climateinvestigations.org

Thank you,

Joe Smyth
Researcher
Climate Investigations Center