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March 10, 2017

Via U.S. Mail and Email

Department of Commerce
Departmental FOIA Office
14th and Constitution Avenue NW.
Mail Stop A300
Washington, DC 20230
EFoia@doc.gov

Re: Freedom of Information Act Request
Fee Waiver Requested

Dear Sir/Madam,

Records Requested

Pursuant to the Freedom of Information Act, through this office Stop Geoengineering Minnesota ("SGM"), requests all records[1] from January 1, 2015 to the present discussing, documenting, memorializing, or otherwise concerning:
(1) weather modification within the Weather Service Organization Workforce Analysis;
(2) the reason for adoption of the confidentiality provision of the "Operations and Workforce Analysis (OWA) Project: Charter for All Workstream Core Teams" a copy of which is attached hereto;

Fee Waiver Requested

Stop Geoengineering Minnesota ("SGM") requests that the Department of Commerce waive any applicable fees because disclosure meets the statutory standard for waiver of fees in that it is "in the public interest because furnishing the information can be considered as primarily benefitting the general public," 5 U.S.C. § 552(a)(4)(A). SGM is a project of the non-profit Minnesota Natural Health Coalition. SGM is itself a non-profit entity whose purpose is to

[1] "Records," includes all documents, correspondence, including email; agency guidelines and policies; memoranda; agency Memoranda of Understanding; notices, comments, and responses to comments; biological, scientific, and other studies; reports; environmental analyses; surveys; timelines; charts; graphs; maps; analyses; data; meeting minutes and agendas; distribution lists; notes and transcripts of meetings and conversations; and any other relevant information, **whether in hard copy or electronic/computer format.**

educate the public about how geoengineering and weather modification can impact public health. SGM has no intention to use the information sought in furtherance of any commercial interest.

(1) The Subject of the Request. The requested records concern the activities of the Department of Commerce and other government agencies regarding weather modification. The subject matter of this request therefore involves information that will significantly contribute to the public's understanding of the government's operations and activities in regards to weather modification.

(2) The Informative Value of the Information to Be Disclosed. The requested records are likely to contribute to an understanding of government operations or activities. The Department of Commerce is involved in weather modification activities and research The requested records will provide insight into the Department of Commerce's process for implementing and regulating weather modification. Many of the requested records may contain information that is not currently available to the general public; therefore, release of the requested records would represent a significant new contribution to the public domain. For these reasons, the requested records will be highly informative in relation to the subject matter of the request, and will further public understanding.

(3) Contribution to General Public Understanding. SGM's mission is to educate the public about how geoengineering and weather modification can impact public health. SGM makes this request for the purposes of providing information about governmental activities and standards, including those of Department of Commerce, to concerned members of the public. SGM is interested in the requested records because they will likely help SGM and the public better understand the methods and procedures which the Department of Commerce has for implementing and regulating weather modification.

(4) The Significance of the Contribution to Public Understanding. The requested records are likely to contribute significantly to public understanding of government operations or activities. SGM will disseminate the disclosed records to a reasonably broad audience of persons interested in the subject. SGM regularly informs, educates and counsels the public regarding weather modification and government involvement in implementing and regulating weather modification. The subject of this FOIA request will be used to contribute to one or more of the following: public presentations, news stories contributed to or written by SGM volunteers and/or members, and/or websites (http://www.minnesotanaturalhealth.org/stopgeoengineeringmn.html and http://stopgeoengineeringmn.squarespace.com). Exactly which of these uses of the information addressed in this FOIA request will be determined after complete review of the requested material. SGM's members, volunteers, and counsel bring a broad range of expertise, skills, and familiarity with weather modification that will enable SGM to review and understand the responsive records and to supply this information in a coherent and understandable way to the general public and the media. SGM can draw on scientists, attorneys, and others to review and summarize this information. SGM certainly has the necessary qualifications relevant to any use of the records that may come about upon reviewing them. SGM's contribution to the public understanding, as compared to the level of understanding prior to disclosure, as well as SGM's

intent to inform the public, are well established. Moreover, many of the records requested may not have been publicly released to date. A requester is likely to contribute significantly to the public understanding if the information disclosed is new; supports public oversight of agency operations; or otherwise confirms or clarifies data on past or present operations of the government. 132 Cong. Rec. H9464 (Reps. English and Kindness).

(5) The Existence and Magnitude of a Commercial Interest. SGM has no commercial interest that would be furthered by the requested disclosure. SGM is a non-profit entity and requests the information to further its scientific, legal, and educational efforts. The FOIA fee waiver amendments of 1986 were designed specifically to allow nonprofit, public interest groups, such as SGM, access to government records without the payment of fees. FOIA's fee waiver provision is to be liberally construed in favor of waivers for noncommercial requesters.

Department of Commerce Response

Please submit responsive records, along with an index for any records withheld that clearly identifies the basis for withholding, to the letterhead address above. Please segregate any records you determine are exempt and provide the remainder and the reasons for not providing all of the responsive records.

The basic time limit for responding to FOIA requests is twenty work days. See 5 U.S.C. § 552(a)(6)(A). This time limit can be extended under certain limited circumstances for at most an additional ten working days. *See id*. at § 552(a)(6)(B).

Please provide all responsive documents that are in the files maintained by Department of Commerce personnel or offices on the date that Department of Commerce staff conducts their searches for the documents responsive to this request.[1] **SGM requests that to the extent that the Department of Commerce can do so, it furnish electronic copies of the above documents in lieu of paper copies (to minimize the expense and burden of copying).** 5 U.S.C. § 552(a)(3)(B) (note, as amended in 1996 FOIA mandates that "an agency shall provide the record in any form or format requested by the person if the record is readily reproducible by the agency in that form or format.")

Please contact this office if you have any questions regarding the scope of this request, the nature of the records sought, or any other aspect of this request. I look forward to hearing from you.

By signing below, I certify that the reasons provided for a fee waiver are true and correct.

Sincerely,

Brian Gaffney

[1] *See McGehee v. CIA*, 697 F.2d 1095 (D.C. Cir. 1983); *Pub. Citizen v. Dep't of State*, 276 F.3d 634 (D.C. Cir. 2002); *Oregon Natural Desert Ass'n v. Gutierrez*, 419 F. Supp. 2d 1284, 1288 (D. Or. 2006) (federal agencies must release all documents in their possession through the date they conduct the review of their files for documents responsive to FOIA requests).

Operations and Workforce Analysis (OWA) Project: Charter for All Workstream Core Teams

The National Weather Service (NWS) Operations and Workforce Analysis (OWA) project is supported by four "Core Teams" that are each focused on one of the following topics:

- Communications and stakeholder engagement
- Organizational structure
- Operating model (including Impact-based Decision Support Services or IDSS)
- Workforce analysis

The membership of the Core Teams include NWS employees from across the organization who were approved for participation by NWS leadership. They also include National Weather Service Employees Organization (NWSEO) bargaining unit members who were recommended by NWSEO for each workstream. McKinsey & Company, which is working as an independent third-party consultant for NWS, is also participating on the teams. The Core Teams will provide essential support to the overall OWA project. This charter will establish the scope of activities and responsibilities of the Core Teams.

The main activities of the Core Teams are to:

1. **Support the Operations and Workforce Committee (OWC)**[1] in reviewing project analyses, developing and assessing options for the OWA, and answering questions or replying to requests for additional information.
2. **Assist and collaborate** with NWS OWA project leadership and McKinsey as they conduct their assessment of the NWS to ensure a collaborative and customized approach while preserving objectivity and independence. This collaboration could include participation in data calls, working groups, and/or research, and through providing guidance on action steps to take leading up to OWC[2] meetings.
3. **Augment and support** the data, information, perspectives, and ideas collected through application of individual expertise, experience, and insights (e.g., adding the perspective of Weather Forecast Offices, recommending subject matter experts (SME) for specific topics).
4. **Review and engage** on McKinsey's methodologies, insights, results and recommendations for accuracy and suggest changes if needed. To ensure an unbiased assessment, McKinsey will have final determination on the content presented to the OWC but it will be developed in a joint and collaborative effort with the Core Teams and subject matter experts.

Expectations for each member of the Core Teams include the following (may be adapted as needed, and notice will be given to ensure awareness and agreement with any changes):

- **Confidentiality: Core Team members, consultants, and SMEs are expected to maintain at all times the highest level of privacy and confidentiality regarding all information and materials shared as part of the OWA project, including initial findings and of all Core Team discussions, unless otherwise indicated (e.g., to share an approved project update that is intended to reach all NWS staff). Any interim reports or materials are considered to be**

[1] The National Weather Service (NWS) Executive Council (EC) established the NWS Operations and Workforce Committee (OWC) for the purposes of providing guidance to and making decisions on the OWA project.

drafts and are not to be shared beyond the Core Team and any consultants or SMEs who are providing independent advice. Core Team members will indicate their understanding of this requirement by signing this Charter. Consultants and SMEs will be covered as appropriate by separate non-disclosure agreements.

- **Commitment:** Core Team members are expected to fully participate in regular team meetings (in person or as conference calls, depending on location); in addition they are responsible for completing document reviews, communication steps. and other actions between meetings.

- **Role:** Core Team members are critical to the OWA in contributing insights in their areas of expertise, conducting analyses of surveys and interviews and generating input / data / that can inform the options and reports that McKinsey provides to the OWC.

- **Scope:** The Core Team activities are pre-decisional, only. In this capacity Core Team members provide input / data / guidance, serving a critical role as action-oriented groups such that when decisions are made (e.g., the approval of language for a survey or information for the website), the teams will be responsible for next steps.

- **Support:** The Core Teams will call on and engage with a cohort of Subject Matter Experts (SMEs) within the organization when needed to address specific questions, analyses or provide other expert insight

- **Duration:** The Core Teams will be in place through Phase II of the OWA project and will be considered for extended participation Phase III based on availability, interest and relevance to their area of expertise. Phase II will extend through approximately mid-October of 2015.

If you, or another Core Team member, have any questions or concerns about the Core Team Charter or other aspects of your participation, please contact Joanne Swanson Kagan, NWS OWA Project leader, at joanne.swanson@noaa.gov; Direct: 301-427-9066 or Cell: [redacted] (b)(6). Thank you for your service to this project.

I have reviewed the Operations and Workforce Analysis (OWA) Project: Charter for All Workstream Core Teams, and I confirm that I will strictly maintain the confidentiality of all information in accordance with the Charter.

Name **Signature** **Date** .

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