

Mr. George Lapointe, Commissioner
Maine Department of Marine Resources
State House Station 21
Augusta, ME 04333-0021

February 22, 2008

RE: Friends of Sebago Lake Freedom of Access Request

Dear Commissioner Lapointe:

Friends of Sebago Lake appreciates your prompt and detailed response of Feb. 14, 2008 to our Feb. 6, 2008 Freedom of Access law request for documents regarding the Presumpscot River Settlement Agreement (PSA) and related "side" agreements. We hope the information below will help you expedite our request.

I. Clarification of Document Request.

You asked us for clarification on our document request.

1. Our request covers documents from the period January 1, 2007 to February 22, 2008.
2. We request the opportunity to inspect, during regular business hours, copies of any confidentiality and/or non-disclosure agreements (including any amendments or attachments) entered into by Maine DMR staff regarding the Presumpscot River Settlement Agreement, so-called, and the Cumberland Mills Dam fishway proceeding.
3. We request the opportunity to inspect, during regular business hours, all electronic and physical documents in Maine DMR's possession which reference, mention or discuss the decision by the State of Maine to stay the Cumberland Mills Dam fishway proceeding and for Maine DMR and other state agencies to enter into secret negotiations with various private parties to develop the PSA made public in June-July 2007.
4. We request the opportunity to inspect, during regular business hours, all electronic and physical documents in Maine DMR's possession which reference, mention or discuss the "off-license" trap and truck agreement between Maine DMR and SAPPI discussed on page 9 of the June 2007 PSA as well as any other "side" agreements connected to the PSA.

II. Request for Fee Waiver.

FOSL has made this FOAA request because Maine DMR staff have denied our informal requests for basic information about the proposed "trap and truck" agreement between Maine DMR and SAPPI that is referenced on page 9 of the June 2007 PSA. Having access basic information on this trap and truck agreement (and all facets of the agreement) is critical to the public's ability to develop an informed position regarding the Presumpscot River Settlement Agreement as a whole.

1 MRSA §408(5)(b) states the agency may waive all or part of a fee when "[r]elease of the public record requested is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester."

FOSL's Feb. 6, 2008 FOAA request fully meets these requirements.

FOSL is a non-profit Maine corporation with a mission of protecting the health of Sebago Lake. FOSL has no commercial interest in the requested documents because FOSL is not allowed by law to have any commercial interest in anything.

The sole purpose of our FOAA request is to provide the general public with a complete documentary record of the activities of Maine State government as it pertains to the development of the Presumpscot River Settlement Agreement. FOSL intends to post all of the documents sought in our FOAA as PDF files on our website (www.friendsofsebago.org) so that they can be reviewed and downloaded by the general public at their convenience.

We plan to publicize this web archive via the Portland area news media, including the WMPG-FM radio program "Sound Ecology," which is devoting an entire show to the Presumpscot River Settlement Agreement on Wednesday, February 27, 2008 from 7:30-8:30 p.m. We also intend to publicize this archive at public meetings for the PSA and by letters to the editor and op/eds in Portland and Sebago Lake area newspapers. Our purpose for this FOAA request is to make these public documents easily available to the general public as the Presumpscot Settlement Agreement wends its way through the regulatory process.

We believe our FOAA request is "in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of government" as set forth in §408(5)(b) and request a full waiver of all of the potential fees described in your Feb. 14, 2008 letter.

III. Conclusion

To expedite this matter, we request Maine DMR provide us as soon as possible:

- a) A decision on our request for a fee waiver.
- b) The total fee Maine DMR will require from us if Maine DMR denies our fee waiver request.

Thank You,

Roger Wheeler

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