

**From:** [boemfoia@email.doi.gov](mailto:boemfoia@email.doi.gov)  
**To:** [Si Kinsella](#)  
**Subject:** Final Disposition, Request DOI-BOEM-2022-004796  
**Date:** Thursday, July 21, 2022 11:48:43 AM  
**Attachments:** [DOI-BOEM-2022-004796 Final Response.pdf](#)

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DOI-BOEM-2022-004796 has been processed with the following final disposition: No Records.



## United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT  
WASHINGTON, DC 20240-0001

45600 Woodland Road, VAM-BOEM DIR  
Sterling, VA 20166

Telephone (703) 787-1128  
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July 8, 2022

Received via email on  
July 21, 2022 at 11:48 AM

Via Electronic Mail: [si@oswsouthfork.info](mailto:si@oswsouthfork.info)

Simon V Kinsella  
OSW South Fork  
100 Wainscott Main St #792  
Wainscott, New York 11975

RE: Freedom of Information Act (FOIA) Request No. DOI-BOEM-2022-004796

Dear Simon V Kinsella:

The Bureau of Ocean Energy Management (BOEM) Headquarters FOIA Office received your FOIA request, dated July 6, 2022, on July 6, 2022 and assigned it control number DOI-BOEM-2022-004796. Please cite this number in any future communications with our office regarding your request.

### Description of the Requested Records

You requested:

A copy of any "record" as defined under 5 U.S.C. § 552(f)(2) of the U.S. Department of the Interior, Bureau of Ocean Energy Management ("BOEM") from December 1, 2021, through to BOEM's response to this request regarding South Fork Wind LLC, specifically, such records limited to:

- 1) Records generated by a certified scientific laboratory performing analysis to determine concentration levels of per- and polyfluoroalkyl substance ("PFAS") contaminants in soil or groundwater taken from within or near the onshore South Fork Export Cable ("SFEC") route. Such PFAS contaminants (perfluorinated compounds) include but are not limited to perfluorooctanoic acid ("PFOA"), perfluorooctane sulfonic acid ("PFOS"), perfluorobutane sulfonate ("PFBS"), and GenX chemicals. The onshore SFEC route refers to the construction corridor from the mean high-water mark at the beach at Beach Lane in Wainscott to (and including) the interconnection facility in the Town of East Hampton, Suffolk County, NY.
- 2) Records generated for designing or performing on-site soil or groundwater sampling for the said testing (referred to in paragraph 1 above), such as sampling plans, bore/well locations, maps, and borehole/well logs.

In the interests of expediency, I am not requesting records of responsible officers' correspondence, solely PFAS contamination laboratory test results, sampling plans, bore logs, etc., according to the (above) request.

### **Expedited Processing Denial**

You asked for expedited processing of your FOIA request. The Department's FOIA regulations state that a bureau will provide expedited processing when a requester demonstrates a compelling need for the records by explaining in detail how the request meets one or both of the criteria below and certifying the explanation is true and correct to the best of the requester's knowledge and belief. The two criteria are as follows:

- (1) Failure to expedite the request could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or
- (2) There is an urgency to inform the public about an actual or alleged government activity and the request is made by a person primarily engaged in disseminating information. (The requested information must be the type of information that has particular value that will be lost if not disseminated quickly; this ordinarily refers to a breaking news story that concerns a matter of public exigency. Information of historical interest only or information sought for litigation or commercial activities would not qualify, nor would a news media deadline unrelated to breaking news.)

See [43 C.F.R. § 2.20](#).

Your request does not contain enough evidence to support either of these criteria. Your request for expedited processing therefore has been denied.

### **No Records**

We are writing to respond to your request. After a thorough search of our files, it has been determined that the BOEM has no records responsive to your request.

Ashley Rychak, BOEM FOIA Officer is responsible for this denial.

### **Fees—No Charge**

We classified you as an "other-use" requester

We do not bill requesters for FOIA processing fees when their fees are less than \$50.00, because the cost of collection would be greater than the fee collected. See [43 C.F.R. § 2.37\(g\)](#). Therefore, there is no billable fee for the processing of this request.

### **Appeal Rights**

You may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal **no later than 90 workdays** from the date of this final response. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

**Your appeal must be made in writing.** You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe this response is in error. You must also include with your appeal copies of all correspondence between you and BOEM concerning your FOIA request, including your original FOIA request and this response. Failure to include with your appeal all correspondence between you and BOEM will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

#### *DOI FOIA/Privacy Act Appeals Office Contact Information*

Department of the Interior  
Office of the Solicitor  
1849 C Street, N.W.  
MS-6556 MIB  
Washington, DC 20240

Attn: FOIA/Privacy Act Appeals Office

Telephone: (202) 208-5339  
Fax: (202) 208-6677  
Email: FOIA.Appeals@sol.doi.gov

### **Mediation Services**

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road – OGIS

College Park, MD 20740-6001

Email: [ogis@nara.gov](mailto:ogis@nara.gov)

Web: <https://www.archives.gov/ogis>

Telephone: (202) 741-5770

Fax: (202) 741-5769

Toll-free: (877) 684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

Contact information for the Department's FOIA Public Liaison, who you may also seek dispute resolution services from, is available at <https://www.doi.gov/foia/foiacenters>.

### **Conclusion**

This concludes our response to your request.

If you have any questions concerning your request, you may contact us by email at [boemfoia@boem.gov](mailto:boemfoia@boem.gov); by fax at (703) 787-1209; by telephone at (703) 787-1204; or by postal mail at: FOIA Office; Bureau of Ocean Energy Management; Mail Stop: VAM-BOEM DIR; 45600 Woodland Road; Sterling, VA 20166.

Sincerely,  
**ASHLEY  
RYCHAK**

Digitally signed by  
ASHLEY RYCHAK  
Date: 2022.07.21  
11:28:29 -04'00'

Ashley Rychak  
FOIA Officer  
Bureau of Ocean Energy Management