



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

Ryan P. Mulvey
Cause of Action
1919 Pennsylvania Avenue NW
Suite 650
Washington, DC 20006

JAN 23 2018

Re: FOIA Request DOC-NOAA-2018-000405

Dear Mr. Mulvey:

This letter is in response to your Freedom of Information Act (FOIA) request which was received by our office on December 8, 2017, in which you requested:

"access to the following: All records concerning the aforementioned April 2017 comment, including any correspondence between or amongst members of the New England and Mid-Atlantic Councils; officials, employees, or representatives of NOAA; or any other third party. The time period for this request is April 11, 2017 to the present. Search terms may include, but are not limited to, "Cause of Action," "CoA," "Julie Smith," "Eric Bolinder," and "Ryan Mulvey."

We have located seven records responsive to your request. Three of these records are being released to you in their entirety.

We are also releasing four records responsive to your request that are partially redacted under exemption 5 U.S.C.552(b)(5), which prohibits from disclosure of records concerning communications within or between agencies and are protected by legal privileges, include but are not, limited to: Attorney-Work Product Privilege and Attorney-Client Privilege.

You have the right to file an administrative appeal if you are not satisfied with our response to your FOIA request. All appeals should include a statement of the reasons why you believe the FOIA response was not satisfactory. An appeal based on records in this release must be received within 90 calendar days of the date of this response letter at the following address:

Assistant General Counsel for Litigation, Employment, and Oversight
U.S. Department of Commerce
Office of General Counsel
Room 5875
14th and Constitution Avenue, N.W.
Washington, D.C. 20230

An appeal may also be sent by e-mail to FOIAAppeals@doc.gov, or by FOIAonline at <https://foiaonline.regulations.gov/foia/action/public/home#>.



For your appeal to be complete, it must include the following items:

- a copy of the original request,
- our response to your request,
- a statement explaining why the withheld records should be made available, and why the denial of the records was in error.
- "Freedom of Information Act Appeal" must appear on your appeal letter. It should also be written on your envelope, e-mail subject line, or your fax cover sheet.

FOIA appeals posted to the e-mail box, FOIAonline, or Office after normal business hours will be deemed received on the next business day. If the 90th calendar day for submitting an appeal falls on a Saturday, Sunday or legal public holiday, an appeal received by 5:00 p.m., Eastern Time, the next business day will be deemed timely.

FOIA grants requesters the right to challenge an agency's final action in federal court. Before doing so, an adjudication of an administrative appeal is ordinarily required.

The Office of Government Information Services (OGIS), an office created within the National Archives and Records Administration, offers free mediation services to FOIA requesters. They may be contacted in any of the following ways:

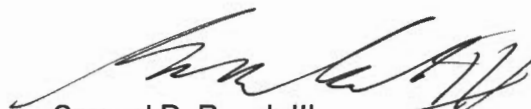
Office of Government Information Services
National Archives and Records Administration
Room 2510
8601 Adelphi Road
College Park, MD 20740-6001

Email: ogis@nara.gov

Phone: 301-837-1996
Fax: 301-837-0348
Toll-free: 1-877-684-6448

If you have questions regarding this correspondence please contact Amanda Patterson at Amanda.Patterson@NOAA.gov or by phone at (978) 281-9210, or the NOAA FOIA Public Liaison Robert Swisher at (301) 628-5755.

Sincerely,



Samuel D. Rauch III,
Deputy Assistant Administrator
for Regulatory Programs