

CAUSE of ACTION

INSTITUTE

Pursuing Freedom & Opportunity through Justice & AccountabilitySM

February 9, 2018

VIA ELECTRONIC MAIL

U.S. Department of Commerce
Office of General Counsel
ATTN: Assistant General Counsel for Litigation, Employment, and Oversight
14th & Constitution Avenue, N.W., Room 5875
Washington, D.C. 20230
E-mail: FOIAAppeals@doc.gov

Re: Freedom of Information Act Appeal, Request No. DOC-NOAA-2018-000405

Dear Appeals Officer:

This is a timely administrative appeal from the adverse determination of the National Oceanic and Atmospheric Administration (“NOAA”) on Cause of Action Institute’s (“CoA Institute”) December 7, 2017 Freedom of Information Act (“FOIA”) request, No. DOC-NOAA-2018-000405, which seeks records of correspondence created or received by NOAA employees *and* members of the New England and Mid-Atlantic Fishery Management Councils. Specifically, CoA Institute appeals the agency’s failure to conduct a reasonable search beyond NOAA employees’ email accounts.

Procedural Background

On December 7, 2017, CoA Institute submitted a FOIA request to NOAA seeking access to “[a]ll records concerning [CoA Institute’s] April 2017 comment [on the Industry-Funded Monitoring (IMF) Omnibus Amendment], 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.”¹ CoA Institute defined the time period of its request as “April 11, 2017 to the present” and provided a number of example search terms.² CoA Institute also requested a public interest fee waiver and treatment as a representative of the news media for fee purposes.³

By letter, dated December 15, 2017, NOAA acknowledged receipt of CoA Institute’s FOIA request and assigned it tracking number DOC-NOAA-2018-000405.⁴ Then, by email, dated December 28, 2017, NOAA granted CoA Institute a “full fee waiver[.]”⁵

On January 22, 2018, NOAA issued its final determination, stating that it had located seven (7) responsive records: three (3) records were released without redaction; four (4) records were withheld in part under Exemption 5, in conjunction with the attorney work product and attorney-client

¹ Letter from CoA Inst. to NOAA at 1 (Dec. 7, 2017) (attached as Exhibit 1).

² *Id.*

³ *Id.* at 2–3.

⁴ Letter from Amanda Patterson, NOAA, to CoA Inst. (Dec. 18, 2016) (attached as Exhibit 2).

⁵ Email from Mark Graff, NOAA., to CoA Inst. (Dec. 28, 2017) (on file with CoA Inst.).

privileges.⁶ This timely appeal follows NOAA's response. At issue is the agency's failure to conduct a search reasonably calculated to locate records created or received by members of the New England and Mid-Atlantic Fishery Management Councils.

Argument

With respect to search adequacy, NOAA "must conduct a search reasonably calculated to uncover all relevant documents."⁷ This search must pass "a 'reasonableness' test to determine the 'adequacy' of a search methodology, consistent with congressional intent tilting the scale in favor of disclosure."⁸ NOAA is required to search where responsive records are likely to be found and—relevant to this case—it may not limit its search so as to exclude certain record systems, custodians, or offices that may contain responsive records.⁹

Here, CoA Institute explicitly indicated that it sought, among other things, certain "correspondence between or amongst members of the New England and Mid-Atlantic Councils."¹⁰ Yet NOAA failed to produce a single relevant record.¹¹ Although the agency did disclose one email from Christopher Moore, who serves as Executive Director of the Mid-Atlantic Council, the heading of that record clearly indicates that it was obtained from former Regional Administrator John Bullard's email account.¹² Accordingly, it appears that NOAA failed to make any attempt to search Council member email accounts or, alternatively, to direct Council members to search their personal (or state government) email accounts for work-related email correspondence.¹³ To the extent that NOAA believed it could not process the portion of CoA Institute's request that pertained to the Councils—a baseless legal position—NOAA was still obligated to redirect or refer that portion of the request to the Councils for processing.¹⁴

If NOAA's failure to produce Council member correspondence left any doubt as to the adequacy of its FOIA search, it is important to note that responsive records are known to exist.¹⁵ CoA Institute submitted its April 2017 comment on the Omnibus Amendment to council chairmen Michael

⁶ Letter from Samuel D. Rauch, III, NOAA, to CoA Inst. (Jan. 22, 2018) (attached as Exhibit 3).

⁷ *Truitt v. Dep't of State*, 897 F.2d 540, 542 (D.C. Cir. 1990) (internal quotation marks, alterations, and citation omitted).

⁸ *Morley v. Cent. Intelligence Agency*, 508 F.3d 1108, 1114 (D.C. Cir. 2007) (citation omitted).

⁹ *Callaway v. Dep't of the Treasury*, No. 08-5480, 2009 WL 10184495 at *2 (D.C. Cir. June 2, 2009).

¹⁰ Ex. 1 at 1. CoA Institute also sought "all records" concerning the April 2017 comment, including non-email records. NOAA appears to have improperly restricted its search to electronic correspondence.

¹¹ The regional fishery management councils are indisputably subject to the FOIA. *See, e.g.*, Mid-Atl. Fishery Mgmt. Council, Statement of Organization, Practices, & Procedures at 42–43 (2017), <http://bit.ly/2EhDwaA>; NEW ENG. FISH-ERY MGMT. COUNCIL, STATEMENT OF ORGANIZATION, PRACTICES, & PROCEDURES at 29 (2015), *available at* <http://bit.ly/2ESvVwu> ("Upon receipt of a FOIA request from the NOAA FOIA office, the Council will search for responsive documents, including relevant e-mails, in the manner outlined in the request.").

¹² Email from Christopher Moore, Mid-Atlantic Fishery Mgmt. Council (Apr. 13, 2017) (attached as Exhibit 4).

¹³ *See, e.g., Competitive Enterprise Inst. v. Office of Sci. & Tech. Pol'y*, 827 F.3d 145, 149 (D.C. Cir. 2016) ("If an official 'possess what would otherwise be agency records [*e.g.*, work-related email], the records do not lose their agency character just because the official . . . takes them out the door [*e.g.*, to a private account][.]").

¹⁴ 15 C.F.R. § 4.5(a) ("Where a component's FOIA office determines that a request was misdirected within the Department, the receiving component's FOIA office shall route the request to the FOIA office of the proper component(s).").

¹⁵ *Cf. Boyd v. U.S. Marshal Serv.*, No. 99-2712, 2002 U.S. Dist. LEXIS 277734 at *4 (D.D.C. Mar. 15, 2002).

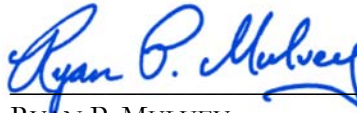
Luisi and John Quinn.¹⁶ At the least, those emails, which fall within the subject-matter scope and time frame for CoA Institute's request, should have been identified, processed, and disclosed. They were not. It is reasonable to expect that Messrs. Luisi and Quinn forwarded CoA Institute's letter to other Council members and staff; it is also reasonable to expect that Council members communicated about CoA Institute's letter amongst themselves and with NOAA employees. All of these records are responsive. NOAA should therefore conduct a supplemental search targeted to identify *all* potentially responsive records within the control of the New England and Mid-Atlantic Councils.

Conclusion

For the foregoing reasons, NOAA's response to CoA Institute's December 7, 2017 FOIA request is inadequate. The agency failed to conduct a reasonable search. NOAA should conduct a supplemental search for responsive records in the custody or control of the New England and Mid-Atlantic Fishery Management Councils.

Thank you for your attention to this matter. If you have any questions about this appeal, or the underlying request, feel free to contact me by telephone at (202) 499-4232 or by e-mail at ryan.mulvey@causeofaction.org.

Sincerely,



RYAN P. MULVEY
COUNSEL

¹⁶ See Emails from CoA Inst. to Michael Luisi & John Quinn, New Eng. & Mid-Atl. Fishery Mgmt. Councils (Apr. 11, 2017) (attached as Exhibits 5 & 6). CoA Institute attached these emails to its December 7, 2017 FOIA request. See Ex. 1 at 1 n.2.

EXHIBIT

1

CAUSE of ACTION

INSTITUTE

Pursuing Freedom & Opportunity through Justice & AccountabilitySM

December 7, 2017

VIA FOIAonline

U.S. Department of Commerce
National Oceanic and Atmospheric Administration
Public Reference Facility (SOU1000)
1315 East-West Highway (SSMC3)
Silver Spring, MD 20910

Re: Freedom of Information Act Request

Dear FOIA Officer:

I write on behalf of Cause of Action Institute (“CoA Institute”), a nonprofit strategic oversight group committed to ensuring that government decision-making is open, honest, and fair.¹ In carrying out its mission, CoA Institute uses investigative and legal tools to educate the public about the importance of government transparency and accountability.

On April 11, 2017, CoA Institute submitted a comment to the New England and Mid-Atlantic Fishery Management Councils, and the National Oceanic and Atmospheric Administration (“NOAA”) Greater Atlantic Regional Fisheries Office, concerning the draft Industry-Funded Monitoring (IMF) Omnibus Amendment.² Specifically, CoA Institute expressed concern over the lack of statutory authority for the Councils and NOAA to compel regulated parties to pay for supplemental at-sea monitoring services.³

Pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, CoA Institute hereby requests 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.⁴ Search terms may include, but are not limited to, “Cause of Action,” “CoA,” “Julie Smith,” “Eric Bolinder,” and “Ryan Mulvey.”

¹ See CAUSE OF ACTION INST., *About*, www.causeofaction.org/about (last visited Dec. 5, 2017).

² Letter from CoA Inst. to Dr. John Quinn, New Eng. Fishery Mgmt. Council (Apr. 12, 2017) (attached as Exhibit 1); E-mail from CoA Inst. to Dr. John Quinn, New Eng. Fishery Mgmt. Council (Apr. 11, 2017) (attached as Exhibit 2); E-mail from CoA Inst. to Michael Luisi, Mid-Atl. Fishery Mgmt. Council (Apr. 11, 2017) (attached as Exhibit 3); E-mail from CoA Inst. to John Bullard, Nat’l Oceanic & Atmospheric Admin. (Apr. 11, 2017) (attached as Exhibit 4).

³ See April 12, 2017 Letter, *supra* note 2; see CoA Inst., Press Release: Withdraw Unlawful Plan Forcing Fishermen to Pay for At-Sea Monitors (Apr. 12, 2017), available at <http://coainst.org/2AYOikc>; see also *Fishermen in New England Face Another Costly Regulation*, COA INST. (Apr. 26, 2017), <http://coainst.org/2owYD5H>.

⁴ For purposes of this request, the term “present” should be construed as the date on which the agency begins its search for responsive records. See *Pub. Citizen v. Dep’t of State*, 276 F.3d 634 (D.C. Cir. 2002). The term “record” means the

Request for a Public Interest Fee Waiver

CoA Institute requests a waiver of all applicable fees. The FOIA and applicable regulations provide that NOAA shall furnish requested records without or at reduced charge if “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.”⁵

In this case, the requested records will unquestionably shed light on the “operations or activities of the government,” namely, NOAA’s regulatory efforts, in conjunction with the New England and Mid-Atlantic Fishery Management Councils, to transition the herring and mackerel fisheries to an industry-funded at-sea monitoring regime and, moreover, to lay a foundation for the introduction of industry funding across all regional fisheries. The public interest value of the requested records is demonstrated by the widespread concern over the economic feasibility of industry funding among vessel owners and operators. Indeed, the legality of industry-funded monitoring has even been the subject of litigation.⁶ The public has a right to view these records. Disclosure is likely to “contribute significantly” to public understanding because, to date, records concerning CoA Institute’s comment have not been made publicly available.

CoA Institute has the intent and ability to make the results of this request available to a reasonably broad public audience through various media. Its staff has significant experience and expertise in government oversight, investigative reporting, and federal public interest litigation. These professionals will analyze the information responsive to this request, use their editorial skills to turn raw materials into a distinct work, and share the resulting analysis with the public through CoA Institute’s regularly published online newsletter, memoranda, reports, or press releases.⁷ In addition, CoA Institute is a non-profit organization as defined under Section 501(c)(3) of the Internal Revenue Code, and it has no commercial interest in making this request.

Request to Be Classified as a Representative of the News Media

For fee purposes, CoA Institute also qualifies as a “representative of the news media.”⁸ As the D.C. Circuit held, the “representative of the news media” test is properly focused on the requester, not the specific request at issue.⁹ CoA Institute satisfies this test because it gathers information

entirety of the record any portion of which contains responsive information. *See Am. Immigration Lawyers Ass’n v. Exec. Office for Immigration Review*, 830 F.3d 667, 677 (D.C. Cir. July 29, 2016) (admonishing agency for withholding information as “non-responsive” because “nothing in the statute suggests that the agency may parse a responsive record to redact specific information within it even if none of the statutory exemptions shields that information from disclosure”).

⁵ 5 U.S.C. § 552(a)(4)(A)(iii); 15 C.F.R. § 4.11(a); *see also Cause of Action v. Fed. Trade Comm’n*, 799 F.3d 1108, 1115–19 (D.C. Cir. 2015).

⁶ *See Goethel v. Pritzker*, 854 F.3d 106 (1st Cir. 2017); *Goethel v. Pritzker*, No. 15-497, 2016 WL 4076831 (D.N.H. 2016); *see also* CoA Inst., Press Release: Supreme Court Denies Petition to Review Job-Killing Fishery Rule (Oct. 2, 2017), *available at* <http://bit.ly/2B5Hxx2>.

⁷ *See Cause of Action*, 799 F.3d at 1125–26 (holding that public interest advocacy organizations may partner with others to disseminate their work).

⁸ 5 U.S.C. § 552(a)(4)(A)(ii)(II); 15 C.F.R. § 4.11(b)(6).

⁹ *See Cause of Action*, 799 F.3d at 1121.

of potential interest to a segment of the public, uses its editorial skills to turn raw materials into a distinct work, and distributes that work to an audience.¹⁰ Although not required by the statute, CoA Institute gathers the news it regularly publishes from a variety of sources, including FOIA requests, whistleblowers/insiders, and scholarly works. It does not merely make raw information available to the public, but rather distributes distinct work product, including articles, blog posts, investigative reports, newsletters, and congressional testimony and statements for the record.¹¹ These distinct works are distributed to the public through various media, including the Institute's website, Twitter, and Facebook. CoA Institute also provides news updates to subscribers via e-mail.

The statutory definition of a “representative of the news media” contemplates that organizations such as CoA Institute, which electronically disseminate information and publications via “alternative media[,] shall be considered to be news-media entities.”¹² In light of the foregoing, numerous federal agencies—including the Department of Commerce—have appropriately recognized CoA Institute's news media status in connection with its FOIA requests.¹³

Record Preservation Requirement

CoA Institute requests that the disclosure officer responsible for the processing of this request issue an immediate hold on all records responsive, or potentially responsive, to this request, so as to prevent their disposal until such time as a final determination has been issued on the request and any administrative remedies for appeal have been exhausted. It is unlawful for an agency to destroy or dispose of any record subject to a FOIA request.¹⁴

¹⁰ CoA Institute notes that the Department of Commerce's definition of “representative of the news media” conflicts with the statutory definition and controlling case law. The agency has retained the outdated “organized and operated” standard that Congress abrogated when it provided a statutory definition in the OPEN Government Act of 2007. *Cause of Action*, 799 F.3d at 1125 (“Congress . . . omitted the ‘organized and operated’ language when it enacted the statutory definition . . . [Therefore,] there is no basis for adding an ‘organized and operated’ requirement[.]”).

¹¹ See generally CAUSE OF ACTION INST., *Media*, www.causeofaction.org/media (last visited Dec. 5, 2017).

¹² 5 U.S.C. § 552(a)(4)(A)(ii)(II).

¹³ See, e.g., FOIA Request 2016-11-008, Dep't of the Treasury (Nov. 7, 2016); FOIA Requests OS-2017-00057 & OS-2017-00060, Dep't of Interior (Oct. 31, 2016); FOIA Request 2017-00497, Office of Personnel Mgmt. (Oct. 21, 2016); FOIA Request 092320167031, Ctrs. for Medicare & Medicaid Servs. (Oct. 17, 2016); FOIA Request 17-00054-F, Dep't of Educ. (Oct. 6, 2016); FOIA Request DOC-OS-2016-001753, Dept. of Commerce (Sept. 27, 2016); FOIA Request 2016-09-101, Dep't of the Treasury (Sept. 21, 2016); FOIA Request DOC-OIG-2016-001732, , Office of Inspector Gen., Dep't of Commerce (Sept. 15, 2016); FOIA Request OS-2016-00435, Dep't of the Interior (Aug. 31, 2016); FOIA Request 2016-366-F, Consumer Fin. Prot. Bureau (Aug. 11, 2016); FOIA Request F-2016-09406, Dep't of State (Aug. 11, 2016); FOIA Request 2016-08-070, Dep't of the Treasury (Aug. 10, 2016); FOIA Request 2016-00896, Bureau of Land Mgmt., Dep't of the Interior (Aug. 10, 2016); FOIA Request 1355038-000, Fed. Bureau of Investigation, Dep't of Justice (Aug. 2, 2016); FOIA Request CFPB-2016-222-F, Consumer Fin. Prot. Bureau (Apr. 20, 2016); FOIA Request CFPB-2016-207-F, Consumer Fin. Prot. Bureau (Apr. 14, 2016); FOIA Request 796939, Dep't of Labor (Mar. 7, 2016); FOIA Request 2015-HQFO-00691, Dep't of Homeland Sec. (Sept. 22, 2015); FOIA Request F-2015-12930, Dept. of State (Sept. 2, 2015); FOIA Request 14-401-F, Dep't of Educ. (Aug. 13, 2015).

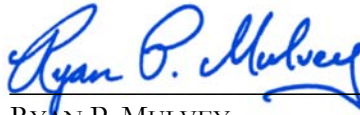
¹⁴ See 15 C.F.R. § 4.3(d) (“Components shall not dispose of records while they are the subject of a pending request, appeal, or lawsuit[.]”); see also 36 C.F.R. § 1230.3(b); *Chambers v. Dep't of the Interior*, 568 F.3d 998, 1004–05 (D.C. Cir. 2009) (“[A]n agency is not shielded from liability if it intentionally transfers or destroys a document after it has been requested under the FOIA or the Privacy Act.”); *Judicial Watch, Inc. v. Dep't of Commerce*, 34 F. Supp. 2d 28, 41–44 (D.D.C. 1998).

Record Production and Contact Information

In an effort to facilitate document review, please provide the responsive documents in electronic form in lieu of a paper production. If a certain portion of responsive records can be produced more readily, CoA Institute requests that those records be produced first and the remaining records be produced on a rolling basis as circumstances permit.

If you have any questions about this request, please contact me by telephone at (202) 499-4232 or by e-mail at ryan.mulvey@causeofaction.org. Thank you for your attention to this matter.

Sincerely,



RYAN P. MULVEY
COUNSEL

EXHIBIT

2



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930-2276

December 15, 2017

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

Re: FOIA Request DOC-NOAA-2018-000405

Dear Mr. Mulvey:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request.

Your request was received by our office on December 8, 2017. Your request tracking number is DOC-NOAA-2018-000405. 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.” * * * Please see the attached PDF for a complete description of CoA Institute’s FOIA request.”

If you have questions regarding your request, please contact Amanda Patterson at Amanda.Patterson@NOAA.gov or call (978) 281-9210.

Sincerely,

Amanda Patterson, MLS
FOIA Coordinator, Greater Atlantic Region



EXHIBIT

3



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 22 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#>.



Printed on Recycled Paper



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:

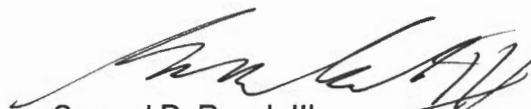
Office of Government Information Services
National Archives and Records Administration
Room 2510
8601 Adelphi Road
College Park, MD 20740-6001

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

EXHIBIT

4



John Bullard - NOAA Federal <john.bullard@noaa.gov>

CoA Institute and IFM

Moore, Christopher <cmoore@mafmc.org>

Thu, Apr 13, 2017 at 4:08 PM

To: COUNCIL - Voting <COUNCIL-Voting@mafmc.org>, CouncilNonVoting <CouncilNonVoting@mafmc.org>, TechStaff <TechStaff@mafmc.org>

Fyi



Cause of Action Institute.pdf

1044K

EXHIBIT

5

From: [Julie Smith](#)
To: Michael.luisi@maryland.gov
Subject: NEFMC Omnibus Amendment Comment Letter
Date: Tuesday, April 11, 2017 4:47:33 PM
Attachments: [Omnibus Comment Letter.pdf](#)
[image003.png](#)

Dear Mr. Luisi,

Please find attached a letter with Cause of Action Institute's comments on the draft Industry-Funded Monitoring Omnibus Amendment, which we have submitted to the New England Fishery Management Council in advance of its upcoming meeting. Our comments are also relevant to the Mid-Atlantic Regional Council's consideration of the Omnibus Amendment. We hope that you find them useful as well. Thank you.

Best Regards,

Julie Smith | Vice President
Cause of Action Institute
1875 Eye Street NW, Suite 800
Washington, D.C. 20006
(o) 202.400.2722 / (c) 202.603.8010
julie.smith@causeofaction.org



EXHIBIT

6

From: [Julie Smith](#)
To: comments@nefmc.org
Cc: jquinn3@umassd.edu
Subject: Omnibus Amendment Comment Letter
Date: Tuesday, April 11, 2017 4:45:17 PM
Attachments: [Omnibus Comment Letter.pdf](#)
[image003.png](#)

Dear Dr. Quinn,

Please find attached a letter with Cause of Action Institute's comments on the draft Industry-Funded Monitoring Omnibus Amendment. We hope that you and the other Council members will take these comments under consideration at your upcoming monthly meeting. Thank you.

Best Regards,

Julie Smith | Vice President
Cause of Action Institute
1875 Eye Street NW, Suite 800
Washington, D.C. 20006
(o) 202.400.2722 / (c) 202.603.8010
julie.smith@causeofaction.org

