Mark Graff - NOAA Federal

From:	Mark Graff - NOAA Federal
Sent:	Wednesday, June 6, 2018 5:08 PM
To:	Stephen Lipps - NOAA Federal; Scott Smullen - NOAA Federal; Jeff Dillen - NOAA Federal; Kristen Gustafson - NOAA Federal; Robert Hogan; _DUS Staff; Tanya Dobrzynski - NOAA Federal; Stuart Levenbach - NOAA Federal; Kevin Wheeler - NOAA Federal; Brandon Elsner - NOAA Federal; Taylor Jordan - NOAA Federal; Erik Noble - NOAA Federal; Wendy Lewis - NOAA Federal; Michelle Reed; Heather Book - NOAA Federal; Shepherd Grimes - NOAA Federal
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Subject:	Weekly FOIA Incoming and High Visibility Requests
Attachments:	Weekly FOIA Incoming and High Visibility Requests 05.30.18 - 06.5.18.xls; SGM v. DOC DOC-NOAA-2017-000790_UR_IR6 (3).pdf; ERF, Complaint.pdf; ERF NMFS FOIA 12-6-16 (1).pdf; SGM Complaint.pdf; Foreseeable Harm Guidance.pdf; UMS Search Queries.pdf

Good Afternoon,

Attached is the weekly report.

Incoming:

One request was submitted by the Natural Resource Defense Council (NRDC) seeking records about law enforcement actions relating to the import of shark fins into or transit of shark fins through the United States. (DOC-NOAA-2018-001463). NRDC has filed FOIA litigation involving NOAA three times in the last 13 months.

A request was also submitted by the Environmental Investigation Agency for records regarding the incidental take petition from AGDC for construction of the Alaska LNG Project in Cook Inlet, Alaska. (DOC-NOAA-2018-001458).

A previously-submitted request from Center for Biological Diversity was significantly narrowed. (DOC-NOAA-2018-001143). The requester had previously sought all communications of Stuart Levenbach from January 1, 2018 to the present. NOAA FOIA reached out to the requester and they have agreed to voluntarily limit their request to exclude cc's and other non-substantive material, and to limit their request to only communications within the noaa.gov domain in order to eliminate the need for inter-agency review.

Litigation:

The Court in *ERF v. NMFS* has ordered the parties to a settlement conference before a Magistrate Judge. The Settlement Conference will be held on June 29, 2018, at 10:00 a.m. in San Francisco, CA, and must be attended in person. This is the request where NOAA recently submitted its Declaration and Vaughn Index attached to our Motion for

Summary Judgment. The original request sought records related to the Stockdale Memo on ESA Guidance, emails from Chris Kiefer related to the draft Englebright concurrence letter, and emails related to unauthorized take in the Yuba River. A copy of the original request and Complaint are attached.

Also, NOAA released another small set of records within the *SGM v. DOC* litigation. The original request sought records related to weather modification within the Weather Service Organization Workforce Analysis. A copy of the newly released records, and the original complaint, are attached.

Guidance:

NOAA FOIA, in collaboration with GC, issued guidance on the proper consideration of Foreseeable Harm, as well as separate guidance on the use of queries on UMS Search results to identify senior management and third party equities that may require consultation under 15 CFR 4.5(b). A copy of both pieces of guidance is attached.

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