Mark Graff - NOAA Federal

From:	Mark Graff - NOAA Federal
Sent:	Monday, March 5, 2018 9:08 AM
To:	Robert Swisher - NOAA Federal; Lola Stith - NOAA Affiliate; Dennis Morgan - NOAA Federal
Cc:	Ed Kearns - NOAA Federal; Robert Hogan
Subject:	Draft February Monthly FOIA Report
Attachments:	ERF NMFS FOIA 12-6-16 (1).pdf; ERF, Complaint.pdf; FOIA Monthly Status Report 02-28-2018.pdf; FOIA Monthly Status Report 02-28-2018.xlsx

Hey Guys,

Below is a proposed monthly report--if you could let me know if you see any tweaks or changes that would improve it.

The February 2018 Monthly FOIA Report is attached. Several highlights include:

- The backlog has continued to move higher. With a backlog currently at 91, our backlog is 44% higher than our all-time low hit in April of last year. The higher backlog is a result of several factors, including increased FOIA submissions across the Department, and delays in FOIAOnline processing. It is imperative that we renew the push to drive down the backlog and improve NOAA's overall compliance with timely response and production requirements.
- Several offices, including AGO, OAR, and CAO, are facing increased submission rates, and as a result, their backlog is much higher than ordinarily seen in those offices. Average closure rates in those offices have been difficult to improve with their limited resources.

DOC/GC has indicated that FOIA lawsuits currently are being filed at a rate 550% of the rate seen from FY 2013-2016 across the department. Other scientific and environmental agencies are seeing similar spikes in FOIA lawsuits. For example, as of February, year over year, EPA has seen a 311% increase in FOIA lawsuits, and DOI has seen a 600% increase in FOIA lawsuits.

A new FOIA complaint was filed by the Ecological Rights Foundation in the Northern District of California. NOAA completed production on February, 2017, and the requester appealed NOAA's final response. The Plaintiff is challenging the constructive denial on the response to their administrative appeal to DOC, the Exemption applicability, and NOAA's search adequacy. A copy of the original request and the complaint filed in California are attached.

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