Ruth Ann Lowery - NOAA Federal

From:	Ruth Ann Lowery - NOAA Federal
Sent:	Thursday, March 8, 2018 10:16 AM
To:	Stacey Nathanson
Cc:	Graff, Mark
Subject:	Fwd: February Monthly FOIA Report
Attachments:	ERF, Complaint.pdf; ERF Summons.pdf; FOIA Monthly Status Report 02-28-2018.pdf; FOIA Monthly Status Report 02-28-2018.xlsx

Hi, Stacey,

I seem to be on the distribution for this instead of you. Apologies if you already have this, but I don't see your name on the addressees list.

RA
---------- Forwarded message ----------
From: **Mark Graff - NOAA Federal** <mark.graff@noaa.gov>
Date: Thu, Mar 8, 2018 at 10:11 AM
Subject: February Monthly FOIA Report
To: Shawn Puyear - NOAA Federal <shawn.puyear@noaa.gov>, bbearden@theambitgroup.com, Devin Brakob - NOAA Federal <devin.r.brakob@noaa.gov>, Annie Thomson - NOAA Federal <annie.thomson@noaa.gov>, Trenika Tapscott <trenika.tapscott@noaa.gov>, Stephen Lipps - NOAA Federal <stephen.lipps@noaa.gov>, John Almeida - NOAA Federal <john.almeida@noaa.gov>, "Holmes, Colin" <cholmes@doc.gov>, Robert Moller - NOAA Federal <robert.moller@noaa.gov>, Scott Smullen - NOAA Federal <scott.smullen@noaa.gov>, Jeff Dillen - NOAA Federal <jeff.dillen@noaa.gov>, Kristen Gustafson - NOAA Federal <kristen.l.gustafson@noaa.gov>, Stephanie Altman - NOAA Federal <stephanie.altman@noaa.gov>, Jackie Rolleri - NOAA Federal <jackie.rolleri@noaa.gov>, Kimberly Katzenbarger - NOAA FEDERAL <kimberly.katzenbarger@noaa.gov>, Mike Devany - NOAA Federal <mike.devany@noaa.gov>, Kelly Quickle - NOAA Federal <kelly.quickle@noaa.gov>, Kelly Turner - NOAA Federal <kelly.turner@noaa.gov>, Zachary Goldstein - NOAA Federal <zachary.goldstein@noaa.gov>, Althea Lee - NOAA Federal <althea.lee@noaa.gov>, Denise Hamilton - NOAA Federal <Denise.Hamilton@noaa.gov>, Elizabeth McLanahan - NOAA Federal <elizabeth.mclanahan@noaa.gov>, Jerome McNamara - NOAA Federal <Jerome.McNamara@noaa.gov>, Karen Robin - NOAA Federal <karen.robin@noaa.gov>, Lesa Jeanpierre - NOAA Federal <lesa.jeanpierre@noaa.gov>, Nkolika Ndubisi - NOAA Federal <nkolika.ndubisi@noaa.gov>, NMFS FOIA1 - NOAA Service Account <nmfs.foia1@noaa.gov>, OMAO FOIA <omao.foia@noaa.gov>, Tejuana Michael - NOAA Federal <Tejuana.Hickerson@noaa.gov>, James Crocker - NOAA Federal <james.m.crocker@noaa.gov>, Beverly Hernandez - NOAA Affiliate <beverly.hernandez@noaa.gov>, Mary Ann Whitmeyer - NOAA Federal <mary.ann.whitmeyer@noaa.gov>, Shem Yusuf - NOAA Federal <shem.s.yusuf@noaa.gov>, _NOAA Assistant CIOs <assistant.cios@noaa.gov>, Gregory Raymond - NOAA Federal <gregory.raymond@noaa.gov>, Kathryn Kempton - NOAA Federal <kathryn.kempton@noaa.gov>, James LeDuc - NOAA Federal <james.leduc@noaa.gov>, Velna Bullock - NOAA Federal <velna.l.bullock@noaa.gov>, Lanetta Gray - NOAA Federal <lanetta.gray@noaa.gov>, Corinne Brown - NOAA Federal <corinne.brown@noaa.gov>, Lisa Love - NOAA Federal <lisa.love@noaa.gov>, Karla Burch-White - NOAA Affiliate <karla.burch-white@noaa.gov>, Maria Williams - NOAA Federal <maria.williams@noaa.gov>, Douglas Perry - NOAA Federal <Douglas.A.Perry@noaa.gov>, Bruce Gibbs - NOAA Federal <Bruce.T.Gibbs@noaa.gov>, Roxie Allison-Holman - NOAA Federal

<Roxie.Allison-Holman@noaa.gov>, Lindsey Averill - NOAA Affiliate <lindsey.p.averill@noaa.gov>, Steven Goodman - NOAA Federal <Steven.Goodman@noaa.gov>, Benjamin Friedman - NOAA Federal <benjamin.friedman@noaa.gov>, Robert Hogan <robert.j.hogan@noaa.gov>, Symone Stone - NOAA Affiliate <symone.stone@noaa.gov>, _DUS Staff <duso.staff@noaa.gov>, Tanya Dobrzynski - NOAA Federal <tanya.dobrzynski@noaa.gov>
Cc: Mark Graff - NOAA Federal <mark.graff@noaa.gov>, Dennis Morgan - NOAA Federal <dennis.morgan@noaa.gov>, Robert Swisher - NOAA Federal <robert.swisher@noaa.gov>, Lola Stith - NOAA Affiliate <lola.m.stith@noaa.gov>, Rodney Vieira - NOAA Federal <rod.vieira@noaa.gov>, Jolie Harrison - NOAA Federal <jolie.harrison@noaa.gov>, "Bogomolny, Michael (Federal)" <MBogomolny@doc.gov>, Ruth Ann Lowery - NOAA Federal <ruthann.lowery@noaa.gov>, David Bedell - NOAA Federal <David.Bedell@noaa.gov>, Ann Madden - NOAA Federal <Ann.Madden@noaa.gov>, Ed Kearns - NOAA Federal <ed.kearns@noaa.gov>, Amanda Patterson - NOAA Federal <amanda.patterson@noaa.gov>, _OCIO GPD <ocio.gpd@noaa.gov>

Good Morning,

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.

Mark H. Graff
FOIA Officer/Bureau Chief Privacy Officer (BCPO)
National Oceanic and Atmospheric Administration
(301) 628-5658 (O)
(b)(6) [redacted] (C)

Confidentiality Notice: This e-mail message is intended only for the named recipients. It contains information that may be confidential, privileged, attorney work product, or otherwise exempt from disclosure under applicable law. If you have received this message in error, are not a named recipient, or are not the employee or agent responsible for delivering this message to a named recipient, be advised that any review, disclosure, use, dissemination, distribution, or reproduction of this message or its contents is strictly prohibited. Please notify us immediately that you have received this message in error, and delete the message.

--

Ruth Ann Lowery, Attorney-Advisor

NOAA Office of General Counsel

Fisheries & Protected Resources Section

1315 East-West Highway, SSMC III, Room 15114

Silver Spring, MD 20910

(301)713-9671

Fax: (301) 713-0658

Confidentiality Notice: This e-mail message is intended only for the named recipients. It contains information that may be confidential, privileged, attorney work product, or otherwise exempt from disclosure under applicable law. If you have received this message in error, are not a named recipient, or are not the employee or agent responsible for delivering this message to a named recipient, be advised that any review, disclosure, use, dissemination, distribution, or reproduction of this message or its contents is strictly prohibited. Please notify us immediately that you have received this message in error, and delete the message.

><((((º>`•.¸¸.•´¯`•.¸><((((º>¸.¸.•´¯`•...¸><((((º>