

EXHIBIT 14



UNITED STATES DEPARTMENT OF COMMERCE
Chief Financial Officer and
Assistant Secretary for Administration
Washington, D.C. 20230

April 19, 2018

Ms. Alicia Cate
1350 Connecticut Avenue, NW
5th Floor
Washington, DC 20036

RE: FOIA request DOC-OS-2018-000373 – Interim Release #1

Dear Ms. Cate:

This letter is in response to your request for information submitted to the U.S. Department of Commerce's (Department's) Freedom of Information Act (FOIA) Office via FOIAonline. According to our records, we received your request on December 01, 2017, and assigned to it tracking number DOC-OS-2018-000373. We are responding under the FOIA to your request for access to:

“Copies of all documents, records, and materials, including but not limited to all memoranda, studies, reports, correspondence, comments, conversation records, meeting notes, files, electronic mail records, or other documents, which have been generated, received, kept, and/or considered by the Department of Commerce, including but not limited to NOAA and/or NMFS, relating to OMB's review of final rule RIN 0648-BG45. The search timeframe is December 15, 2016-present”

Interim Release #1

While we are finalizing our search, as an interim response, we are providing you with 1,450 pages, which we have determined to be responsive to your request and partially releasable to you under the FOIA. We withheld portions of these documents pursuant to FOIA Exemptions 5 and 6, 5 U.S.C. § 552 (b)(5),(b)(6).

FOIA Exemption 5 protects, “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” The three primarily invoked privileges that have been held to be incorporated into Exemption 5 are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. Here, we are withholding information pursuant to the attorney-client privilege, as the withheld information consists of e-mails authored by BOU attorneys in an advisory capacity, the release of which would cause foreseeable harm to the agency, in accordance with Exemption 5.

FOIA Exemption 6 exempts from disclosure (1) personnel, medical files and similar files, (2) the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. 5 U.S.C. § 552(b)(6). The phrase "similar files" has been broadly defined to include any

DOC-OS-2018-000373

Ms. Alicia Cate

April 19, 2018

Page 2

Government records on an individual, which can be identified as applying to that individual. See Dep't of State v. Washington Post Co., 456 U.S. 595, 601-02 (1982).

The information you requested that was exempted under Exemption 6 can be identified as "similar files". Thus, we have redacted the following information pursuant to Exemption 6: personal information concerning Department employees, conference call-in numbers, locations, and passcodes. We have determined that in this case, releasing the aforementioned personal privacy information would constitute an "unwarranted invasion of personal privacy" within the meaning of the Exemption 6, and the negligible public interest in learning this information is outweighed by the privacy interests.

Records Withheld in Full

Please note that we withheld 2,759 pages in full pursuant to FOIA Exemption 5, because these documents are deliberative (related to discussions of the ongoing development of a final rule), discuss ongoing litigation, and constitute attorney work-product (documents created by attorneys in support of the aforementioned discussions). We have provided you with an excel spreadsheet indexing the records fully withheld pursuant to Exemption 5.

We also withheld an additional 1,060 pages under Exemption 6, as these records consist wholly of petition names, signatures and zip codes of private persons.

There is no charge for this information, and we will continue to provide you with records as we receive them. We will provide you with any applicable appeal rights at the conclusion of this disclosure. If you have any questions, please contact Sulma Khalid, the analyst coordinating your request, by telephone at,202-482-7432 or by e-mail at skhalid@doc.gov. You may also contact me, the Department's FOIA Public Liaison:

Dr. Michael Toland
U.S. Department of Commerce
Office of Privacy and Open Government
1401 Constitution Ave. NW, Room 52010
Washington, DC 20230
telephone at (202) 482-3842; email at mtoland@doc.gov

Please refer to your FOIA request tracking number, DOC-OS-2018-000373, when contacting us.

In addition, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration

DOC-OS-2018-000373

Ms. Alicia Cate

April 19, 2018

Page 3

8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
e-mail at ogis@nara.gov;
telephone at 202741-5770; toll free at 1 877-684-6448; facsimile at 202-741-5769

Please note that if we do not hear from you regarding narrowing your request within 30 days of the date of this letter, we will cease the remainder of our search and close out your request. Thank you for your continued patience and cooperation.

Sincerely,

**MICHAEL
TOLAND**

Digitally signed by MICHAEL TOLAND
DN: c=US, o=U.S. Government, ou=Department
of Commerce, ou=Office of the Secretary,
cn=MICHAEL TOLAND,
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Date: 2018.04.19 11:53:30 -04'00'

Michael J. Toland, Ph.D.
Deputy Chief FOIA Officer,
Departmental Privacy Act Officer, and
Deputy Director for FOIA/Privacy Act Operations
Office of Privacy and Open Government

Enclosure:

1. FOIAonline Record Access Instructions
2. Release - 1,450 Pages

FOIAonline Record Access Instructions

1. Go to <https://foiaonline.regulations.gov/foia/action/public/home> and select the “Search FOIA Request” button located on the right side of the page; you may also click on the “Search” tab at the top of the page.
2. Enter the search term, in this case enter “DOC-OS-2018-000373” in the “Search for:” field located within the “Search Criteria” box.
 - a. Note – The “Type” checkboxes are self-populated. Uncheck the “Appeal”, “Record (Full-Text),” and “Referral” checkboxes.
 - b. Highlight “U.S. Department of Commerce” located in the “Agency” drop-down menu.
 - c. Select and click on the “Search” button.
3. The results of the search term will appear once the “Search” button is selected.
4. Click on the “Tracking Number” for example, DOC-OS-2018-000373 located in the first column of the search results. This will take you to the next screen titled “Record Details.”
5. On the “Record Details” screen:
 - a. Click on the “**DOWNLOAD ALL**” button to save the file(s) to save the file(s) to a location of your choice, or
 - b. Select the file(s) you wish to save and click on the “**DOWNLOAD SELECTED**” button to save the files to a location of your choice.