

Exhibit J



Sorenson Law Office

FOIA/PA/PLA

July 3, 2020

Mr. Gary M. Sterns
General Counsel and Chief Freedom of Information Act Officer
National Archives and Records Administration
8601 Adelphi Road, Room 3110
College Park, MD 20740-6001
phone: 301-837-1750
email: garvm.stern@nara.gov

and

Freedom of Information Act Officer
National Archives and Records Administration
email: foia@nara.gov

re: Freedom of Information Act Request of The Downs Law Group, P.A.

SENT VIA EMAIL to: foia@nara.gov

Dear Mr. Stern and National Archives and Records Administration (NARA) Freedom of Information Act Officer,

I am writing on behalf of my client, The Downs Law Group, P.A., whose address is 3250 Mary St. Suite 307, Coconut Grove, FL 33133. Their business telephone number is (305) 444-8226.

Mr. Craig Downs, principal of The Downs Law Group, P.A., has executed a Declaration, allowing me to represent his firm, communicate with NARA regarding this request and receive records on behalf of The Downs Law Group, P.A.

The Declaration is attached to this request as Exhibit A.

I. REQUEST

The Downs Law Group, P.A. requests, pursuant to the Freedom of Information Act (hereafter FOIA), a copy of the following records:

- a. All records in possession or control of NARA which shows, discusses, depicts or lists approval of, commendation for, medals for, approbation for, letters of commendation for all Coast Guard personnel, whether active duty reserve or auxiliary, for service during the clean-up of the BP Deepwater Horizon Oil Spill.
- b. All records (specifically media releases, press releases) in possession or control of NARA which releases news of commendations of specific Coast Guard personnel (whether active, reserve or auxiliary) bringing to the public's attention the service of Coast Guardsmen during the clean-up of the BP Deepwater Horizon Oil Spill.
- c. All records (specifically media releases to Coast Guard publications or hometown newspapers) of Coast Guardsmen bringing to the public's attention the service of Coast Guardsmen during the clean-up of the BP Deepwater Horizon Oil Spill.
- d. All records (not limited to commendations, medals, documents, certificates) that were issued to individual Coast Guardsmen and their units during the clean-up of the BP Deepwater Horizon Oil Spill.
- e. All records that depict the names of Coast Guardsmen who served on the water during the clean-up of the BP Deepwater Horizon Oil Spill.
- f. All records that would lead to the public's understanding of the names and numbers of Coast Guard personnel during the clean-up of the BP Deepwater Horizon Oil Spill.
- g. All records (specifically photographs) that show the work of Coast Guardsmen during the clean-up of the BP Deepwater Horizon Oil Spill.
- h. All records sent by the Coast Guard to the Congress describing commendable actions by individual Coast Guardsmen during the clean-up of the BP Deepwater Horizon Oil Spill.
- i. All records in a digital or electronic format that list the names of individual Coast Guardsmen, reserve Coast Guardsmen or auxiliary Coast Guardsmen were given.
- j. All records in possession or control of NARA which shows, discusses, depicts or lists approval of, commendation for, medals for, approbation for, letters of commendation for all Coast Guard personnel, whether active duty or auxiliary, for service.

II. INFORMATION HELPFUL TO NARA IN FULFILLING THIS REQUEST

In 2010, the Nation suffered a disaster of historic proportions to the Gulf Coast as a consequence of the BP Deepwater Horizon Oil Disaster. The clean-up involved thousands of people, including civilians,

active duty Coast Guardsmen and Coast Guard Reserve and Auxiliary personnel. The Coast Guard was a major agency involved in the clean-up. This request concerns all records, including memoranda, data bases, digital records, emails, photographs, and other records of the people involved in the cleanup. The aftermath, exposing Coast Guard personnel to the carcinogenic mixture of oil and clean-up chemicals, sickened and caused great harm to the victims, including instances of cancer. The National media continues to write stories about the consequences of the disaster.

To be clear: we are not seeking private records, nor are we attempting to peer into the private personnel files of Coast Guardsmen. We are seeking public records.

The Coast Guard issues many awards to publicly commend Coast Guardsmen and others, including civilians, active Coast Guard, reserve Coast Guard and Coast Guard Auxiliary for their service. The types of awards are listed and discussed at length in the Commandant's Medals and Awards Instruction Manual (publication COMDTINST M1650.25E).

Attached to his request and made part of this request is Exhibit B, a redacted example of one of the thousands of awards made by the Coast Guard during the time frame of this request.

Our understanding is that NARA at Fort Worth had approved receiving 20 "accessions of boxes" of Deepwater Horizon records from the Coast Guard. Sometime in 2017, apparently, the Coast Guard shipped 2,258 cubic feet of boxes to NARA. We received that information as a result of a FOIA request to the Coast Guard.

The transfer numbers we received from the Coast Guard were:

TR-0026-2017-0236

TR-0026-2017-0241

TR-0026-2017-0243

TR-0026-2017-0244

TR-0026-2017-0245

We searched the NARA website for the following five transfer filed numbers. TR = transfer; 0026 is Record Group # for Coast Guard or RG; 2017 = year transferred; last 4 is the file number (as in 0236)

TR-0026-2017-0236

TR-0026-2017-0241

TR-0026-2017-0243

TR-0026-2017-0244

TR-0026-2017-0245

We found one of the numbers above, TR-0026-2017-0245, in our search of the National Archives Catalog and the 1st-4th quarters of the New Accessions for FY/2017. It appears that this is the only set of files that have been accessioned of the five listed above and is found under LTI-0026-2017-0245. We are not sure what LTI stands for, but it appears that it means these records have been processed and accessioned.

LTI-0026-2017-0245 is titled "Disaster Operations - Deepwater Horizon, 5/1/2010 - 9/30/2010 and includes 124 unrestricted containers (file boxes) accessioned. These containers are located at the National Archives at Fort Worth, TX.

With regard to the approximately 2,258 cubic feet of boxes, we are looking for a box or series of boxes that are labeled PUBLIC COMMENDATIONS OF PERSONNEL DURING DEEPWATER HORIZON CLEANUP OPERATIONS or something similar.

With regard to the records transferred by the Coast Guard to NARA, we are looking for all digital or electronic records which contain information about Coast Guard awards to any persons during the time frame of this request.

III. TIME FRAME OF THIS REQUEST

The time frame for records sought by this FOIA request is for all records responsive to this request created between January 1, 2010 and December 31, 2014.

IV. PROCESSING COSTS

My client is prepared to pay for the records sought, up to a maximum of \$100. If additional fees are required to process this request, my client may pay those increased costs, but only if there is a signed writing by my client, agreeing to pay for additional or increased costs. If narrowing the request will lower the estimated costs, my client is open to that discussion.

If the records are not provided within the statutory period and NARA fails to abide by all statutory time periods, then the records without my client paying fees. See Bensmen v. National Park Service, 806 F.Supp.2d 31, 38 (DCD 2011).

"An additional effect of the 2007 Amendments was to impose consequences on agencies that do not act in good faith or otherwise fail to comport with FOIA's requirements. *See* S.Rep. No. 110-59. To underscore Congress's belief in the importance of the statutory time limit, the 2007 Amendments declare that "[a]n agency shall not assess search fees ... if the agency fails to comply with *any time limit*" of FOIA. § 552(a)(4)(A)(viii) (emphasis added)."

V. POLICY AND LEGAL DIRECTION FOR OPEN GOVERNMENT

Disclosure of the above referenced agency records are also sought in order to promote government transparency, and to reflect the Administration's policy to support our nation's fundamental commitment to open government.

As the Supreme Court has observed, “virtually every document generated by an agency is available in one form or another, unless it falls within one of the Act’s nine exemptions.” NLRB v. Sears, Roebuck & Co., 421 U.S. 132, 136 (1975). FOIA was designed to “pierce the veil of administrative secrecy and to open agency action to the light of public scrutiny,” see, e.g., Dept. of the Air Force v. Rose, 425 U.S. 352, 361 (1976), and in order “to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed.” NLRB v. Robbins Tire & Rubber Co., 437 U.S. 214, 242 (1978); see also Judicial Watch, Inc. v. Rossotti, 326 F.3d 1309, 1310 (D.C. Cir. 2003); United States Dept. of Justice v. Reporters Comm. for Freedom of the Press, 489 U.S. 749, 773 (1989).

The above described agency records are subject to disclosure under FOIA, and are not otherwise exempt from disclosure pursuant to FOIA’s nine statutory exemptions. See 5 U.S.C. § 552(b)(1) - (9). To the extent that a determination is made by your FOIA office staff that any limited portions of the records listed above will be withheld from disclosure for this request, FOIA expressly requires all agencies to disclose “[a]ny reasonably segregable portion of a record . . . after deletion of the portions of the record which are exempt.” 5 U.S.C. § 552(b). See, e.g., Oglesby v. U.S. Dept. of Army, 79 F.3d 1172, 1178 (D.C. Cir. 1996); see also Abdelfattah v. U.S. Dept. Of Homeland Security, 488 F.3d 178, 186-187 (3rd Cir).

The 2007 Openness Promotes Effectiveness in our National Government Act amendments to FOIA (the “OPEN Government Act”) requires identification of the amount of any material withheld, the location of any withholdings, a direct reference to the specific statutory exemption supporting each withholding asserted, and if technically possible, also require that this information shall “be indicated at the place in the record where such deletion is made.” See 5 U.S.C. § 552(b). Therefore, I would appreciate your assistance in expressly identifying any exempt responsive records (or portions thereof) and the applicable FOIA exemptions for any responsive materials withheld for this FOIA request.

Please inform my office in writing if there are any “unusual circumstances” that will cause delay in responding to this FOIA request, or providing the records which are requested, and in addition, please provide the approximate date that you anticipate a final response will be provided.

VI. CONTACT

Please provide a receipt for this request and provide a tracking number so that we may inquire about the status of this request.

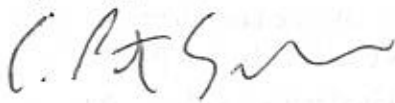
My client requests an estimated date of completion of this request.

If you have any questions regarding this FOIA request or need help locating documents, or if I can be of any other assistance, please feel free to contact me at (541) 606-9173, or via email to petesorenson@gmail.com.

My client reserves their right, upon the expiration of 20 business days from your receipt of this request, to commence a judicial review of this matter in the United States District Court for the District of Columbia.

Thank you in advance for your assistance.

Very truly yours,



C. Peter Sorenson
Sorenson Law Office
PO Box 10836
Eugene, Oregon 97440

Attachments: 1) Exhibit A, Declaration of Craig Downs, for The Downs Law Group, P.A.; 2) Exhibit B, Sample Award (redacted)

Exhibit A

DECLARATION OF THE DOWNS LAW GROUP, P.A.

CITY OF MIAMI-DADE

STATE OF FLORIDA

I, Craig Downs, on behalf of The Downs Law Group, P.A., being duly sworn on oath do say:

- 1) I am Principal of The Downs Law Group. My business address is 3250 Mary St. Suite 307, Coconut Grove, FL 33133. My business telephone number is (305) 444-8226 and my business email is: cdowns@downslawgroup.com.
- 2) I have retained C. Peter Sorenson of Sorenson Law Office, to file a Freedom of Information Act (FOIA) request on our behalf to the National Archives and Records Administration;
- 3) On our behalf, I authorize Mr. Sorenson and his law firm, Sorenson Law Office, to make our request and to receive any records that the National Archives and Records Administration has in response to our FOIA request.
- 4) On our behalf, I attach to this Declaration a photocopy of my currently authorized Florida driver license.

Signed this day of 2nd day of July, 2020.



Signature of Craig Downs, Principal, The Downs Law Group, P.A.

I, VANESSA A. QUIROZ, Notary Public for the State of Florida witnessed said Craig Downs, sign the above statement this 2nd day of July, 2020.

Notary Public for Florida

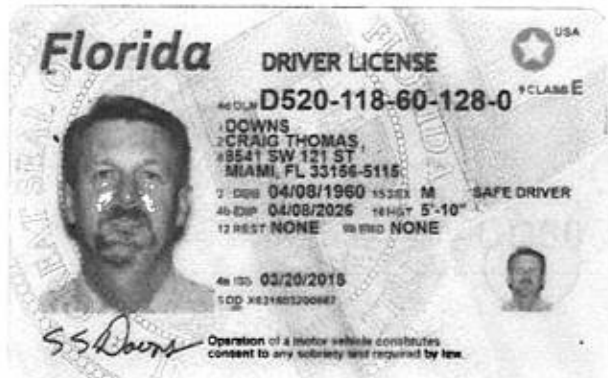


Exhibit B



UNITED STATES COAST GUARD

THIS IS TO CERTIFY THAT
THE COMMANDANT OF THE UNITED STATES COAST GUARD
HAS AWARDED THE

COAST GUARD ACHIEVEMENT MEDAL

TO

INFORMATION SYSTEMS TECHNICIAN FIRST CLASS
UNITED STATES COAST GUARD

FOR
SUPERIOR PERFORMANCE OF DUTY FROM JUL 2010 TO AUG 2011

GIVEN THIS 28th

DAY OF

JUL 2011



John D. Gallagher
For the Commandant,
JOHN D. GALLAGHER

Captain, United States Coast Guard
CAIT SERVICE CENTER, FIELD SERVICES DIVISION

CITATION TO ACCOMPANY THE AWARD OF
THE COAST GUARD ACHIEVEMENT MEDAL

TO

INFORMATION SYSTEMS TECHNICIAN FIRST CLASS

UNITED STATES COAST GUARD RESERVE

Petty Officer [REDACTED] is cited for superior performance of duty while serving at Gulf Coast Incident Management Team as the Information Systems Technician Supervisor for the Mobile Offshore Drilling Unit DEEPWATER HORIZON Spill of National Significance from 10 JULY 2010 to 06 JANUARY 2011 and also 19 FEBRUARY to 7 AUGUST 2011. On 20 April 2010, the nation mobilized to combat the largest offshore oil spill in United States history, responding to the release of approximately five million barrels of oil into the Gulf of Mexico impacting a five state region and closing more than 80,000 square miles of federal fishery waters. This monumental response required the unity in effort and assiduous teamwork of over 47,000 federal, state, and local responders, including over 7,000 Coast Guard personnel and the deployment of more than 80 Coast Guard cutters and aircraft. The phenomenal efforts by all involved resulted in the recovery of 35 million gallons of oily water, the deployment of more than 11 million feet of boom, and the cleaning of over 900 miles of shoreline. Demonstrating exceptional dedication, professional expertise and leadership, Petty Officer [REDACTED] provided critical IT support for 26 servers, over 1500 standard and non-standard workstations and over 7,000 users during his two deployments. Exhibiting superior leadership and foresight, he expertly drafted standard operating procedures and documented system configurations effectively reducing knowledge gaps during personnel rotations. As a member of the Gulf Coast Incident Management Team he led the consolidation efforts of over 300 personnel to a single location establishing 50 new network connections and ensuring a seamless relocation to the end user. Petty Officer [REDACTED] diligence, perseverance, and devotion to duty are most heartily commended and are in keeping with the highest traditions of the United States Coast Guard.

