

# EXHIBIT

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UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
55 Great Republic Drive  
Gloucester, MA 01930-2276

Stephen S. Schwartz  
Cause of Action Institute  
1875 Eye St. N.W.,  
Suite 800  
Washington, DC 20006

Aug 30, 2016

Re: FOIA Request DOC-NOAA-2016-001453

Dear Mr. Schwartz:

This letter is in response to your Freedom of Information Act (FOIA) request which was received by our office on, July 19, 2016 in which you requested:

*"All documents related to the appointment or reappointment of members of the New England Fishery Management Council from November 1, 2015 to the present. This request includes all communications, both inside the government and with outside parties, including .gov e-mail, personal e-mail, text messaging, and any other methods of communication. This request specifically includes communications to or from the personal and official e-mail accounts of the following persons and entities:*

- 1. The Office of the Secretary of Commerce*
- 2. The Office of Dr. Kathryn Sullivan, Administrator of NOAA and Under Secretary of Commerce for Oceans and Atmosphere*
- 3. Lois J. Schiffer, NOAA General Counsel*
- 4. Eileen Sobeck, Assistant Administrator for Fisheries*
- 5. Samuel D. Rauch III, Deputy Assistant Administrator for Regulatory Programs*
- 6. Dr. Alan D. Risenhoover, Director, Office of Sustainable Fisheries*
- 7. John Bullard, Northeast Regional Administrator*
- 8. Michael Pentony, Assistant Regional Administrator for Sustainable Fisheries*
- 9. Dr. William A. Karp, Science and Research Director, Northeast Fisheries Science Center"*

This is interim release number one. We have located 19 documents responsive to your request. You are granted full access to those records, and a copy is enclosed.

Although we do not consider this to be a denial of your request, you have the right to file an administrative appeal if you are not satisfied with our response to your FOIA request. All appeals should include a statement of the reasons why you believe the FOIA response was not satisfactory. An appeal based on documents in this release must be received within 90 calendar days of the date of this response letter at the following address:

Assistant General Counsel for Litigation, Employment, and Oversight  
U.S. Department of Commerce  
Office of General Counsel  
Room 5875  
14<sup>th</sup> and Constitution Avenue, N.W.  
Washington, D.C. 20230



An appeal may also be sent by e-mail to [FOIAAppeals@doc.gov](mailto:FOIAAppeals@doc.gov), by facsimile (fax) to 202-482-2552, or by FOIAonline at <https://foiaonline.regulations.gov/foia/action/public/home#>.

For your appeal to be complete, it must include the following items:

- a copy of the original request,
- our response to your request,
- a statement explaining why the withheld records should be made available, and why the denial of the records was in error.
- “Freedom of Information Act Appeal” must appear on your appeal letter. It should also be written on your envelope, e-mail subject line, or your fax cover sheet.

FOIA appeals posted to the e-mail box, fax machine, FOIAonline, or Office after normal business hours will be deemed received on the next business day. If the 90th calendar day for submitting an appeal falls on a Saturday, Sunday or legal public holiday, an appeal received by 5:00 p.m., Eastern Time, the next business day will be deemed timely.

FOIA grants requesters the right to challenge an agency's final action in federal court. Before doing so, an adjudication of an administrative appeal is ordinarily required.

The Office of Government Information Services (OGIS), an office created within the National Archives and Records Administration, offers free mediation services to FOIA requesters. They may be contacted in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
Room 2510  
8601 Adelphi Road  
College Park, MD 20740-6001

Email: [ogis@nara.gov](mailto:ogis@nara.gov)

Phone: 301-837-1996  
Fax: 301-837-0348  
Toll-free: 1-877-684-6448

If you have questions regarding this correspondence please contact Amanda Patterson at [Amanda.Patterson@NOAA.gov](mailto:Amanda.Patterson@NOAA.gov) or call (978) 281-9210, or the NOAA FOIA Public Liaison Robert Swisher at (301) 628-5755.

Sincerely,

Amanda J. Patterson, MLS  
FOIA Coordinator, Greater Atlantic Region