



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

June 21, 2019

Ryan P Mulvey  
Cause of Action Institute  
1875 Eye Street N.W., Suite 800  
Washington, DC 20006

Re: Request No. DOC-NOAA-2019-000481

Dear Mr. Mulvey,

This letter is in response to your Freedom of Information Act (FOIA) request which was received by our office on January 31, 2019, in which you requested:

“CoA Institute hereby requests access to the following records for the time period of September 19, 2018 to the present: 1. All records reflecting the Secretary of Commerce’s approval of the New England Industry Funded Monitoring Omnibus Amendment, including all related correspondence between the Department of Commerce (e.g., Office of the Secretary) and NOAA. 2. All records reflecting NOAA’s formal consideration and response(s) to issues raised in public comments on the agency’s September 19, 2018 notice of availability for the

Omnibus Amendment. 3. All correspondence (including e-mail, text/instant messages, etc.) concerning final approval of the Omnibus Amendment, and/or the December 18, 2018 letter from Administrator Pentony, sent or received by any GARFO employee and the following individuals: Any member or employee of the New England Fishery Management Council; Any member or employee of the Mid-Atlantic Fishery Management Council; Any member or employee of the Atlantic States Marine Fisheries Commission; Any official or employee of the Northeast Fisheries Science Center; and, Any employee or representative of (i) A.I.S., Inc.; (ii) East West Technical Services, LLC; (iii) Fathom Research, LLC; or, (iv) MRAG Americas, Inc. 4. All correspondence (including e-mail, text/instant messages, etc.) between and amongst members and/or staff of the New England Fishery Management Council concerning the final approval of the Omnibus Amendment and/or the December 18, 2018 letter from Administrator Pentony.”

This is our second interim release. We have located 8 records 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), 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, or e-mail subject line.

FOIA appeals posted to the e-mail box, 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 your request, please contact Amanda Patterson at [Amanda.Patterson@noaa.gov](mailto:Amanda.Patterson@noaa.gov) or call 978-281-9210.

Sincerely,

A handwritten signature in blue ink that reads "Amanda J. Patterson". The signature is written in a cursive style with a large, stylized initial 'A'.

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