Exhibit 1

FOIA Search Log

FOIA Number: 2017-000257_____

Date Searched: ___January 3-13, 2017_____

***Signature of Searcher: Gary R. Sprague 17 Jan 2017

Office where documents originated:	Full name of person providing potentially responsive documents:	Locations searched: (e.g., shared drive, hard drive, database, physical location)	Search terms used:
CCVO	Gary R. Sprague		See previous log, additional review time identified below.

*** (You can sign with a pen, or with your CAC- use PDF version of this form to sign with CAC- on SOP Drive/FOIA folder/ Start Here folder)

Additional Review 2017

Date	Time
1/4	4.75
1/5	6.5
1/9	5.5
1/11	2.5
1/12	2.75
1/13	7.5
1/17	0.75
Total	30.25 hours

add 1 hour total for 19 Jan & 23 Jan GRS

FOIA Search Log

FOIA Number DOC-NOAA-2017-000257

Date Searched: **_1-3-2017_____**

Signature of Searcher: **_____** **Printed Name of Searcher: Brian Ellrott**

Office where documents originated:	Full name of person providing potentially responsive documents:	Locations searched: (e.g., shared drive, hard drive, database, physical location)	Time Spent Searching for Records	Search terms used:
Sacramento	Brian Ellrott	Office shared drive, laptop hard drive, email	4 hours	Yuba River, Englebright Dam, Narrows 1 and 2 powerhouses, Daguerre Point Dam, Hallwood-Cordua Diversion, (b)(6) b)(6) [redacted], Chris Kiefer, draft Englebright concurrence letter, Chris Yates, Stockdale, Lawson Fite

FOIA Search Log

FOIA Number DOC-NOAA-2017-000257

Date Searched: 12/13/2016

Signature of Searcher: [signature] **Printed Name of Searcher:** Jeff McLain

Office where documents originated:	Full name of person providing potentially responsive documents:	Locations searched: (e.g., shared drive, hard drive, database, physical location)	Time Spent Searching for Records	Search terms used:
CCVO	Jeff McLain	Email	10 minutes	"Chris Yates"; "stockdale"
CCVO	Jeff McLain	Email	10 minutes	"Christopher Keifer" to "Jeff McLain"
CCVO	Jeff McLain	Email	1 hour	"Narrows 1", "Narrows 2", "Narrows II"

FOIA Search Log

FOIA Number: 2017-000257 Re: Stockdale Memo

Date Searched: 1/18/2017

*****Signature of Searcher:** Maria Rea

Office where documents originated:	Full name of person providing potentially responsive documents:	Locations searched: (e.g., shared drive, hard drive, database, physical location)	Search terms used:
CCVO	Maria Rea	Hard Drive, Email, network	
			2/14 - 3/25 2014 To/From Chris K. draft Engelbright LOC Howard/Grays.
			Jan 1, 2000 - Present Take Lamy Thompson · Engelbright Don Tanner · Dagnere Steve Edmondson · Narrows

FOIA Search Log

FOIA Number DOC-NOAA-2017-000257

Date Searched: 12/14/16

Signature of Searcher: Mike Tucker **Printed Name of Searcher:** Michael Tucker

Office where documents originated:	Full name of person providing potentially responsive documents:	Locations searched: (e.g., shared drive, hard drive, database, physical location)	Time Spent Searching for Records	Search terms used:
CCVO	Michael Tucker	Gmail files	1 hr	Hallwood, Cordua, Daguerre, Englebright, Take

FOIA Search Log

FOIA Number DOC-NOAA-2017-000257]

Date Searched: **January 3 - 5, 2017**

Signature of Searcher: _____ **Printed Name of Searcher:** **Steven L Thomas**

Office where documents originated:	Full name of person providing potentially responsive documents:	Locations searched: (e.g., shared drive, hard drive, database, physical location)	Time Spent Searching for Records	Search terms used:
	Steven L. Thomas	Hard drive	2.0 Hours	Hallwood, Daguerre, Brophy, take, entrainment

FOIA Search Log

FOIA Number: __2017-000257_____

Date Searched: _Dec 14, 2016_____

*****Signature of Searcher:**

Office where documents originated:	Full name of person providing potentially responsive documents:	Locations searched: (e.g., shared drive, hard drive, database, physical location)	Search terms used:
CCVO	Howard Brown	For Item #1: Sacdata network drive, Email	Yates Stockdale Keifer Stockdale
		For Item #2: Sacdata network drive, Email	Keifer Englebright Keifer Draft Englebright Concurrence Letter
		For Item #3: Sacdata network drive, Email	Tanner Yuba, Tanner Englebright, Tanner Daguerre, Tanner Narrows, Tanner Hallwood-Cordua, Thompson Yuba, Thompson Englebright, Thompson Daguerre, Thompson Narrows, Thompson Hallwood-Cordua, Thompson Take, Thompson Death, Thompson Mortality, Thompson Stranding, Thompson Dewatering,

			Wooster Yuba, Wooster Englebright, Wooster Daguerre, Wooster Narrows, Wooster Hallwood-Cordua, Wooster Take, Wooster Death, Thompson Wooster, Wooster Stranding, Wooster Dewatering,

***** (You can sign with a pen, or with your CAC- use PDF version of this form to sign with CAC- on SOP Drive/FOIA folder/ Start Here folder)**

December 14, 2016 Searching: 4.5 hours

Exhibit 2

[redacted] - NOAA Federal <[redacted]@noaa.gov>

Fwd: FERC Receipt of Filing in P-2246-000, et al.:

2 messages

Larry Thompson - NOAA Federal <larry.thompson@noaa.gov> Thu, Feb 13, 2014 at 8:37 AM
To: [redacted] - NOAA Federal <[redacted]@noaa.gov>
Cc: Steve Edmondson - NOAA Federal <Steve.Edmondson@noaa.gov>, Kathryn Kempton - NOAA Federal <kathryn.kempton@noaa.gov>, Maria Rea - NOAA Federal <Maria.Rea@noaa.gov>, Howard Brown - NOAA Federal <howard.brown@noaa.gov>

Hi [redacted],

Please see the attached NMFS letter, filed in the FERC proceeding for the Yuba River Project (FERC Project No. 2246). It pertains to the Chinook salmon strandings downstream of Englebright Dam that you and I discussed in November of 2013.

See especially the text on p. 12, where we request a response from FERC regarding any salmon carcass remains that may have been collected and retained.

We also request documentation such as transcripts of interviews with on-site personnel and managers, emails, photographs, videos, etc. The Yuba County Water Agency (project licensee) did provide some photos of both live stranded salmon and salmon carcasses at the site, but we felt there may be additional information not yet shared with NMFS.

I will keep you abreast of the FERC response to our letter.

Regards,

Larry

---------- Forwarded message ----------
From: <eFiling@ferc.gov>
Date: Wed, Feb 12, 2014 at 9:29 PM
Subject: FERC Receipt of Filing in P-2246-000, et al.:
To: larry.thompson@noaa.gov, efilingacceptance@ferc.gov

Confirmation of Receipt

This is to confirm receipt by the FERC Office of the Secretary of the following electronic submission:

-Submission ID: 460589
-Docket(s) No.: P-2246-000, et al.:
-Filed By: NOAA Fisheries Service, West Coast Region
-Signed By: Steven Edmondson
-Filing Desc: Comments of NOAA Fisheries Service, West Coast Region, on the December 26, 2013, response of the Yuba County Water Agency, to the Commission's November 25, 2013, information request about salmon stranding incidents downstream of P-2246.
-Submission Date/Time: 2/13/2014 12:22:44 AM
-Filed Date: 2/13/2014 8:30:00 AM

Additional detail about your filing is available via the following link:

https://ferconline.ferc.gov/SubmissionStatus.aspx?hashcode=qDqoP1pASi777lWvUd8rA

You will receive an email, shortly, concerning the status of your submission.

Thank you for participating in the FERC Electronic Filing System. If you have any questions, or if you detect errors in your submission or the FERC-generated PDF, please contact FERC at:

E-Mail: efiling@ferc.gov mailto:efiling@ferc.gov (do not send filings to this address)
Voice Mail: 202-502-8258.

--
Larry Thompson
Fishery Biologist
NOAA Fisheries West Coast Region
U.S. Department of Commerce
Office Phone: 916-930-3613
Postal Address: NOAA Fisheries, 650 Capitol Mall, Rm 5100, Sacramento, CA 95814
larry.thompson@noaa.gov

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NMFS re Salmon Strandings Yuba P2246 FINAL 2-12-14.pdf
13042K

[redacted] **- NOAA Federal** <[redacted]@noaa.gov> Thu, Feb 13, 2014 at 9:55 AM
To: Larry Thompson - NOAA Federal <larry.thompson@noaa.gov>

Thanks Larry.

I'm keeping track of your reports.

[redacted]
[Quoted text hidden]
--
[redacted], Special Agent
NOAA Fisheries/OLE
650 Capital Mall, 5-100
Sacramento, CA 95814
[redacted] (cell)
[redacted]@noaa.gov

[redacted] - NOAA Federal <[redacted]@noaa.gov>

Letter re: Yuba Salmon Stranding Events, V 1.0

1 message

Larry Thompson - NOAA Federal <larry.thompson@noaa.gov> Fri, Jan 17, 2014 at 4:45 PM
To: Steve Edmondson - NOAA Federal <Steve.Edmondson@noaa.gov>
Cc: Thomas Holley - NOAA Federal <thomas.holley@noaa.gov>, John Wooster - NOAA Federal <john.wooster@noaa.gov>, Kathryn Kempton - NOAA Federal <kathryn.kempton@noaa.gov>
Bcc: [redacted]@noaa.gov

To all,

Please see attached. One of the most difficult letters I've ever had to produce... and not done yet!

Please comment using track changes.

Thanks,

LT

P.S. Please let me know if you need additional, related docs, other than attached.

/This and all associated messages and attachments are intended for internal discussions within the U.S. government and should not be forwarded or copied to recipients outside the U.S. government without the consent of this office.

Attorney-client privileged, exempt from release under FOIA

Provisional draft work product, part of the deliberative process, may be exempt from release under FOIA

This and all associated messages and attachments are pre-decisional, draft documents to be used for discussion purposes only, are subject to review and revision, and do not represent the position of the National Marine Fisheries Service. By accepting delivery of these documents, the recipient agrees not to share them beyond the parties NMFS intends to have access to them, nor to attempt to introduce them any proceeding in a manner adverse to any position NMFS ultimately adopts./

--
Larry Thompson
Fishery Biologist
NOAA Fisheries West Coast Region
U.S. Department of Commerce
Office Phone: 916-930-3613
Postal Address: NOAA Fisheries, 650 Capitol Mall, Rm 5100, Sacramento, CA 95814
larry.thompson@noaa.gov

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11 attachments

P2140598_Partial and Full operating.jpg
1030K

NMFS Comments Yuba Salmon Strandings_Yuba Project_P2246_V1.0_1-17-14.docx
44K

20131226-5064(29012262)_YCWA response 12-26-13.pdf
5138K

TM 7-11.pdf
7634K

Narrows2_Fact_Sheet.pdf
59K

FERC Order - 2005 - 1122 - Approval of Narrows 2 Full Flow Bypass.pdf
159K

ACOE and PG&E Agreement.pdf
310K

License_Narrows 1_2-11-93.rtf
288K

Partial Bypass photo from NMFS ISR Comments_Yuba Project P2246_FINAL_1-28-12-2.pdf
80K

Hoobler Photo from NMFS ISR Comments_Yuba Project P2246_FINAL_1-28-12.pdf
136K

20131202-5044(28951448)_Updated Study Report_12-2-13.pdf
379K

Exhibit 3

Ecological Rights Foundation v. NMFS, 18-cv-00888

Document Number (short reference)	Plaintiff's Ex. 5 Page Number (Docket No. 12-18)	Information about record	Exemptions Applied	Basis for Exemptions
5079-1	2-10	9-page Routing & Tracking Ledger Sheet for the consultation upon "Englebright Dam and Resevoir" Was one of two attachments to an email from Aimee Moore to Julia Caracoza, copying C3Judson Feder, Chris Keifer, Gary Sprague, Howard Brown, and Anita Deguzman, subject "Englebright Dam and Reservoir Inofrmatl Consultation attached for GC Review", sent April 23, 2014 2:40 PM.	(b)(5) Attorney Client Privilege	This document is a 9-page ledger that was one of two attachments to an email from Aimee Moore to Julia Caracoza, which is attached as Exhibit 4. As the email clearly states, Ms. Moore was submitting the Yuba 2014 Englebright Dam Project Informal Letter to NOAA's Office of the General Counsel for review, as well as the routing and tracking ledger sheet that comprises this challenged document. The material redacted from the document, pursuant to the attorney-client privilege, consisted solely of comments directed to legal counsel indicating why legal review of the letter was being requested, and informing legal counsel that the letter related to a matter in active litigation.
5200	11-12	2-page email from attorney Chris Kiefer to biologist Gary Sprague copying Sacramento River Basin Chief Howard Brown, subject "Re: Yuba BA", sent October 30, 2013 9:56 AM. The email chain contains an email from Gary Sprague sent October 30, 2013 at 7:38 AM.	(b)(5) Attorney Client Privilege and Deliberative Process Privilege	This is a 2-page email chain between attorney Chris Keifer and biologist Gary Sprague with the subject line "Re: Yuba BA". The redacted material falls within the attorney-client privilege and consists solely of discussion between agency staff and an attorney regarding Biological Assessments received from the Corps. The material is also deliberative and predecisional as it discusses impressions regarding the ability to move forward towards consultation.

5215	13-14	Email conversation between attorney Chris Kiefer, Sacramento River Basin Chief Howard Brown, and biologist Gary Sprague, subject "Re: Yuba Consultation", sent January 30, 2014 11:56 AM. The email chain contains an email from Chris Kiefer sent January 30, 2014 11:06 AM.	(b)(5) Attorney Client Privilege and Deliberative Process Privilege	This document is an email conversation between attorney Chris Keifer, Sacramento River Basin Chief Howard Brown, and biologist Gary Sprague. The redacted material is attorney-client privileged and consists solely of a status update on the consultations. Some of the material withheld is also deliberative and predecisional as it identifies proposed future steps for consultation and a need for executive policy decision-making.
5224	15	Email from the Sacramento River Basin Chief Howard Brown to Will Stelle, Maria Rea, Judson Feder, and Adam Issenberg, copying Gary Sprague and Chris Keifer, subject "Update on Yuba Consultations with U.S. Army Corps", sent January 31, 2014 12:08 PM.	(b)(5) Attorney Client Privilege and Deliberative Process Privilege	This one-page email from the Sacramento River Basin Chief clearly identifies on its face that it was being sent to NOAA employees working on the policy and legal aspects of the Section 7 consultation with the Corps. The redacted material falls under the attorney-client privilege and deliberative process privilege and discusses changes in the scope of the activities associated with the dams and the implications for the ongoing consultation.
5247	18	Email from the Sacramento River Basin Chief Howard Brown to attorney Chris Keifer, copying Gary Sprague and Alice Berg, subject "Response to Environmental Advocates", sent February 04, 2014 12:47 pm.	(b)(5) Attorney Client Privilege	This email from the Sacramento River Basin Chief to an attorney with NOAA General Counsel was partially withheld pursuant to the attorney-client privilege. The redacted material consists of agency staff and attorney deliberations upon how to respond to a letter from Environmental Advocates, counsel for the plaintiffs in this case. The email attached the letter from Environmental Advocates and the draft response (which is also being challenged).

5247-2	16-17	Word file titled "Stelle response to Environmental Advocates.docx". Was one of two attachments to document 5247 listed above.	(b)(5) Deliberative Process Privilege	This is the draft response to a letter received from Environmental Advocates, and was enclosed in an email from the Sacramento River Basin Chief to an attorney with NOAA General Counsel seeking advice on the response. (See paragraph 42.) The redacted material, withheld under the deliberative process privilege, revealed information about the ongoing consultation, and indicated future steps that the agency would take to meet with stakeholders, as well as the appropriate role of NMFS as not the lead Federal action agency.
5250-1	19-37	Word file titled "Yuba 2014 Englebright Draft Master Working Draft_2_14_14 Clean.docx". Was attached to an email from fish biologist Gary Sprague to Sacramento River Basin Chief Howarrd Brown, copying attorney Chris Keifer, subject "Re: Englebright Consultation", sent February 14, 2014 12:28 pm.	(b)(5) Deliberative Process Privilege	This draft concurrence letter was attached to an email from Fish Biologist Gary Sprague seeking review from NOAA legal counsel, attached as Exhibit 5. This material was withheld under the deliberative process privilege. The material contains discussions of proposed action, the authorities for the proposed action, the action area, the action agency's effects determination, the consultation history, future actions requiring separate consultations, non-discretionary actions, discretionary actions, effects of the action, effects of the proposed actions, conservation recommendations, and litigation history.

5276-1	38-46	A copy of the routing and tracking ledger for the legal review of the informal letter transmitting NMFS' position regarding the consultation. (See entry for document 5079-1.)	(b)(5) Attorney Client Privilege	This is another copy of the routing and tracking ledger for the legal review of the informal letter transmitting the Department's position regarding the consultation. (See paragraph 38.) The material redacted from the document, pursuant to the attorney-client privilege, consisted solely of comments directed to legal counsel indicating why legal review of the letter was being requested. The cover email to which this was enclosed is attached as Exhibit 4.
20774-2	47-72	Word file titled "WILDLIFE-#189511-v1-YUBA_DECL__ELLROTT_FINAL.doc" containing a draft letter from Acting Regional Administrator William Stelle, Jr. regarding "Endangered Species Act Section 7(a)(2) Concurrence Letter for the U.S. Army Corps of Engineers' (Corps) Ongoing Operation and Maintenance of Englebright Dam and Reservoir on the Yuba River." The intended recipient was still being modified by the draft revisions. Was one of two attachments to an email from DOJ Trial Attorney Bradley Oliphant to fish biologist Brian Ellrott, copying DOJ attorney Lawson Fite and attorney Chris Keifer, subject "WILDLIFE-#189511-v1-YUBA_DECL__ELLROTT_FINAL.DOC", sent August 06, 2010 7:45 AM.	(b)(5) Deliberative Process Privilege	This document was attached to a letter from DOJ Trial Attorney Bradley Oliphant to fish biologist Brian Ellrott (copying NOAA counsel and DOJ environmental law counsel). The document is another copy (see paragraph 44) of the concurrence letter in draft state, showing suggested changes in NMFS' concurrence letter to the Corps. The material redacted from the document was pursuant to the deliberative process privilege.

30833	73-88	Document with the heading "Legal Analysis: Analyzing Ongoing Projects Under Section 7 of the Endangered Species Act (ESA) - *Draft* "	(b)(5) Attorney Client Privilege and Deliberative Process Privilege	This document is a detailed legal analysis drafted by a NOAA attorney entitled Analyzing Ongoing Projects Under Section 7 of the Endangered Species Act. It provides a detailed legal framework analysis, a detailed review of the fundamental determinations that must be made in any consultation, and a summary of key analytical steps. It also identifies policy choices regarding how the effects associated with the continued existence of structures such as dams, and any non-discretionary actions required in connection with their operations, should be treated in a Section 7 consultation. The material withheld in this document was withheld pursuant to the deliberative process privilege and the attorney client privilege. This is a document devoted to considering the legal and policy considerations of how effects associated with permanent structures such as dams should be treated in a Section 7 consultation, intended for further internal policy development within NMFS.

Exhibit 4

From: Aimee Moore - NOAA Federal <aimee.moore@noaa.gov>
Sent: Wednesday, April 23, 2014 2:40 PM
To: Caracoza, Julia
Cc: Judson Feder - NOAA Federal; Keifer, Christopher; gary.sprague@noaa.gov; Brown, Howard; Anita Deguzman - NOAA Affiliate; Aimee Moore - NOAA Federal
Subject: Englebright Dam and Reservoir Informal Consultation attached for GC Review
Attachments: Yuba 2014 Englebright Dam Project Informal Letter.docx; 2013_Englebright Dam and Reservoir_IF.docx

Good afternoon,

I am transmitting this letter for GC review, and have attached the following:
Yuba 2014 Englebright Dam Project Informal Letter. docx - Letter for review
2013_Englebright Dam and Reservoir_IF.docx - this is the Ledger. It is on the old Word Doc format because that is how it was originally prepared, and then the project lead made modifications to it for this specific project, so I just left it on that form.

Thanks,

--

Aimee Moore
Administrative Office Support

NOAA Fisheries West Coast Region
U.S. Department of Commerce
650 Capitol Mall, Suite 5-100
Sacramento, California 95814-4700
Office: 916-930-3601
aimee.moore@noaa.gov

Find us online
www.westcoast.fisheries.noaa.gov

Exhibit 5

From: Gary Sprague - NOAA Federal <gary.sprague@noaa.gov>
Sent: Friday, February 14, 2014 12:28 PM
To: Howard Brown - NOAA Federal
Cc: Christopher Keifer - NOAA Federal
Subject: Re: Englebright Consultation
Attachments: Yuba 2014 Englebright Draft Master Working Draft_2_14_14 Clean.docx

Hello Christopher,
Attached is the letter for which we are requesting your review. We want your review. After incorporating your comments, we would like your assistance in transmitting this to the Corps. [redacted] Attorney-Client Privileged

Thank you, as always I look forward to discussing this with you (if needed),
Gary

Gary R. Sprague
Fish Biologist
NOAA Fisheries West Coast Region
U.S. Department of Commerce
650 Capitol Mall, Suite 5-100
Sacramento, CA 95814-4706
(916) 930-3615 fax (916) 930-3629
gary.sprague@noaa.gov
http://www.westcoast.fisheries.noaa.gov/

On Fri, Feb 14, 2014 at 10:46 AM, Howard Brown - NOAA Federal <howard.brown@noaa.gov> wrote:
Chris,
Gary will be sending you a draft letter for the Englebright consultation. Attorney-Client Privileged Attorney-Client Privileged Attorney-Client Privileged The Corps is starting to ask for draft documents to review, so I would like to share this once we get your go ahead. When we do share it with the Corps, Attorney-Client Privileged Attorney-Client Privileged

Also, as far as reviews go, once the Corps has had a chance to look it over and we can address their comments, my plan would be to route it through our normal review and clearance process, starting with section 7 review, then your final review. Attorney-Client Privileged
Howard

--
Howard L. Brown
Sacramento River Basin Chief
NOAA Fisheries, West Coast Region

U.S. Department of Commerce
(916) 930-3608
Howard.Brown@noaa.gov

www.westcoast.fisheries.noaa.gov