Mark Graff - NOAA Federal

From:	Mark Graff - NOAA Federal
Sent:	Thursday, July 5, 2018 3:25 PM
To:	Ed Kearns - NOAA Federal; Robert Hogan; Michelle Reed
Cc:	Lola Stith - NOAA Affiliate; John Almeida - NOAA Federal
Subject:	Fwd: Denial of WSUSA' Request for NOAA's Records on Entanglements of Whale and Sea Turtles over the Last Five Years
Attachments:	Requester Aware of Need for Written Request Submission.pdf

Hi Guys,

No action needed on your part, but for awareness, below is an angry response from one of our FOIA requesters to some of the NOAA and NMFS leadership. NMFS provided the records to the requester, but the requester appears to misrepresent the scope of the original request and is responding to NOAA leadership outside of the administrative appeal process (15 CFR 4.10). [redacted] (b)(6) [redacted]

This is the same requester that has also been quite vulgar with myself and several others in NMFS (see attached as an example). In case it is brought up by any of the recipients on his email below, I thought you may want some background.

Mark H. Graff
FOIA Officer/Bureau Chief Privacy Officer (BCPO)
National Oceanic and Atmospheric Administration
(301) 628-5658 (O)
[redacted] (b)(6) (C)

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---------- Forwarded message ----------
From: **Mark Graff - NOAA Federal** <mark.graff@noaa.gov>
Date: Thu, Jul 5, 2018 at 3:02 PM
Subject: Re: Denial of WSUSA' Request for NOAA's Records on Entanglements of Whale and Sea Turtles over the Last Five Years
To: Amanda Patterson - NOAA Federal <amanda.patterson@noaa.gov>

I'll send it up my chain for awareness, just in case it gets any attention.

Mark H. Graff
FOIA Officer/Bureau Chief Privacy Officer (BCPO)

[redacted] (b)(6)

National Oceanic and Atmospheric Administration
(301) 628-5658 (O)
[redacted] (C)

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On Thu, Jul 5, 2018 at 3:00 PM, Amanda Patterson - NOAA Federal <amanda.patterson@noaa.gov> wrote:

> Of that, I'm not sure. I'm still trying to figure out how to respond.
>
> Amanda J. Patterson
> FOIA Coordinator
> National Marine Fisheries Service
> Greater Atlantic Region
> Gloucester, MA
> 978-281-9210
>
> On Thu, Jul 5, 2018 at 2:56 PM, Mark Graff - NOAA Federal <mark.graff@noaa.gov> wrote:
>
> > Was his intention that this was supposed to be construed as an administrative appeal?
> >
> > Mark H. Graff
> > FOIA Officer/Bureau Chief Privacy Officer (BCPO)
> > National Oceanic and Atmospheric Administration
> > (301) 628-5658 (O)
> > [redacted] (C)
> >
> > Confidentiality Notice: This e-mail message is intended only for the named recipients. It contains information that may be confidential, privileged, attorney work product, or otherwise exempt from disclosure under applicable law. If you have received this message in error, are not a named recipient, or are not the employee or agent responsible for delivering this message to a named recipient, be advised that any review, disclosure, use, dissemination, distribution, or reproduction of this message or its contents is strictly prohibited. Please notify us immediately that you have received this message in error, and delete the message.
> >
> > On Thu, Jul 5, 2018 at 2:51 PM, Amanda Patterson - NOAA Federal <amanda.patterson@noaa.gov> wrote:
> >
> > > This was the latest response. His request says New England, not the Atlantic.
> > >
> > > Amanda J. Patterson
> > > FOIA Coordinator
> > > National Marine Fisheries Service
> > > Greater Atlantic Region
> > > Gloucester, MA
> > > 978-281-9210
> > >
> > > ---------- Forwarded message ----------
> > > From: <[redacted]>
> > > Date: Thu, Jul 5, 2018 at 2:46 PM

Subject: Denial of WSUSA' Request for NOAA's Records on Entanglements of Whale and Sea Turtles over the Last Five Years
To: "Timothy.gallaudet@noaa.gov" <Timothy.gallaudet@noaa.gov>, "chris.w.oliver@noaa.gov" <chris.w.oliver@noaa.gov>, "michael.pentony@noaa.gov" <michael.pentony@noaa.gov>, "Crable Trent (ENRD)" <trent.crable@usdoj.gov>
Cc: Amanda Patterson - NOAA Federal <amanda.patterson@noaa.gov>, John Almeida - NOAA Federal <john.almeida@noaa.gov>, "Brendan R. Cummings" <bcummings@biologicaldiversity.org>, Adam Keats <akeats@centerforfoodsafety.org>, Sharon Young <syoung@humanesociety.org>

5 July 2018

To: Timothy.gallaudet@noaa.gov
Administrator, National Oceanographic and Atmospheric Agency,
Suite 51030, 1401 Constitution Avenue, NW, Washington DC 20230

chris.w.oliver@noaa.gov Assistant Administrator,
National Marine Fisheries Service,
1335 East-West Highway, Silver Spring MD 20910

michael.pentony@noaa.gov
Greater Atlantic Regional Fisheries Office, NOAA's National Marine Fisheries Service
55 Great Republic Drive, Gloucester, MA 01930

RE: Denial of WSUSA's Request for Whale and Sea Turtle Entanglements Record the over Last Five years

Attention,

NOAA is deliberately lying to the Amerikan people. It is actively covering up incidents of whales and sea turtles being entangled in fishing gear. It is only doing this to protect the commercial marine fishing industry from being heal accountable for its ongoing killing and injuring whales and sea turtles form their being entangled by its fishing gear.

I asked for NOAA's records of whale and sea turtles entanglements that occurred over the last five years. NOAA is choosing not to provide these records and demanding that I pay it over $20,000 just to go looking for them.

Because I threatened NOAA with litigation for its refusal, today you sent me a short list of what you are claiming constitutes all the known events of incidents of entanglements of Great Whales and Sea Turtles in the Atlantic that are possessed by NOAA. According to the list you sent me, only two Right Whales were entangled over the last five years.

You are LIARS! Many more whales and sea turtles have been reported in the Press as entangled in fishing gear over the last five years than you are officially claiming to have happened. Your refusal to tell the truth is deliberate and malicious. NOAA would rather see the Northern Right Whale extinct than require that its commercial fishing industry is required to comply with environmental laws.

NOAA is the leading killer of whales and sea turtles in the world today. It licenses the fishing gear that kills the whales and sea turtles. It also refuses to enforce the prohibitions of the Endangered Species Act against the US commercial marine fisheries industry that makes it a crime to kill or injure endangered species from using fishing gear that entangles these animals. In fact, NOAA refuses to enforce the prohibitions of the ESA against ANY industry that kills whales incidental to its operation. NOAA has never issued a single fine for a ship striking and killing a whale or for a fishermen entangling a whale in its fishing gear.

Obviously NOAA is a criminal from its deliberate killing of endangered whales and sea turtles. It must be brought to justice.

The only chance for survival for endangered whales and sea turtles is to have the agency responsible for enforcing the ESA not to be NOAA but for this serious responsibility to be given to a federal agency that is not promoting and licensing the commercial exploitation of wildlife.

WSUSA is committed to having Congress “fire” NOAA from any responsibility for the conservation of marine wildlife and instead have the US Fish and Wildlife assume that role.

In Peace,

Richard Maximus Strahan
Chief Science Officer
Whale Safe USA