Mark Graff - NOAA Federal

From: Mark Graff - NOAA Federal

Sent: Wednesday, July 18, 2018 7:49 AM

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Cc: Mark Graff - NOAA Federal; Dennis Morgan - NOAA Federal; Robert Swisher - NOAA Federal; Lola Stith - NOAA Affiliate; Rodney Vieira - NOAA Federal; Jolie Harrison - NOAA Federal; Bogomolny, Michael (Federal); Ruth Ann Lowery - NOAA Federal; David Bedell - NOAA Federal; Ann Madden - NOAA Federal; Ed Kearns - NOAA Federal; Amanda Patterson - NOAA Federal; _OCIO GPD; Rose Stanley - NOAA Federal; _HDQ CDO; Douglas Alston - NOAA Federal

Subject: June Monthly FOIA Report

Attachments: JW-v-Commerce-NOAA-Karl-Holdren-complaint-00541.pdf; 2018.01.08 AWI Complaint.pdf; ERF Stipulation of Settlement and Dismissal with Prejudice 13 JUL 18.pdf; FOIA Monthly Status Report 06-30-2018.pdf; FOIA Monthly Status Report 06-30-2018.xlsx

Good Morning,

The June 2018 Monthly FOIA Report is attached.

- FOIAOnline has migrated to version 3.0. The migration resulted in significant technical problems, and several aspects of the system's case management, navigation, records uploads, and case closures have been impacted. In part due to the system errors, the backlog has risen to 108. On request, NOAA provided to DOC a list of known errors and functionality problems with the new version of the system. DOC has indicated they are hopeful these issues will be resolved quickly to improve functionality for the FOIAOnline users Department-wide.
- NOAA will continue to provide Roundtable discussions throughout the Regions on the guidance issued regarding Foreseeable Harm and UMS Search Queries. The next Roundtable is currently scheduled in Salt Lake City for July 19. We appreciate the regional offices being willing to host these sessions to improve implementation of that guidance.

In litigation, NOAA is preparing a second Declaration and *Vaughn* Index in support of the Motion for Summary Judgment in the *Judicial Watch v. DOC* litigation. The original request sought all communications between NOAA Scientist Tom Karl and former OSTP Director John Holdren. A copy of the Complaint is attached.

NOAA has submitted to the AUSA its Declaration to be filed in the *AWI v. DOC* litigation. The Plaintiff limited their challenge to a draft legal Memorandum prepared by NOAA GC. The original request sought records regarding the determination that necropsy requirements for the orca Tilikum were extinguished by the 1994 amendments to the MMPA. The orca Tilikum received some media attention, and was the subject of the film "Blackfish." A copy of the Complaint is attached.

In the *ERF v. NMFS* litigation, DOC/GC negotiated a settlement with the Plaintiff following the settlement conference held in the Northern District of California. NOAA agreed to conduct an additional search, submit an additional declaration, and pay attorneys fees in the amount of $55,000 as part of a Stipulated Dismissal. A copy of the Stipulated Dismissal is attached.

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