UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

Molly Masterson
Natural Resources Defense Council
40 W. 20th St.
New York, NY 10011

NOV 28 2017

Re: FOIA Request DOC-NOAA-2017-001606

Dear Ms. Masterson:

This letter is in response to your Freedom of Information Act (FOIA) request, which was received by our office on July 26, 2017, in which you requested:

> "...records regarding the Secretary of Commerce's decision determining that the state of New Jersey was in compliance with regard to management of its recreational summer flounder fishery under the Atlantic Coastal Fisheries Cooperative Management Act.
> 1. Decision memoranda, letters, emails, situation summaries, discussion documents, or briefing documents that discuss summer flounder and New Jersey's 2017 recreational season;
> 2. Communications pertaining to New Jersey's recreational management of summer flounder during the 2017 season, including communications within the Department or any of its subdivisions, and communications between Department staff (or staff of any Department subdivision) and any outside entity;
> 3. Proposals, recommendations, or factual information submitted to the Department or any of its subdivisions regarding New Jersey's recreational management of summer flounder during the 2017 season;
> 4. Technical analysis, including projections or estimates of harvest, discard mortality, overages, and "conservation equivalency," submitted to or produced by the Department or any of its subdivisions, regarding New Jersey's recreational management of summer flounder during the 2017 season; and
> 5. Scientific research or studies that support or explain the Secretary's decision. The temporal scope of this request is limited to records created or obtaine1d on or after February 2, 2017."

On August 25, 2016, you further clarified the scope to include:

> Decision documents, decision memoranda, letters, discussion or briefing documents, technical analyses (including projections or estimates of harvest, discard mortality, overages, and "conservation equivalency"), or scientific studies that were submitted to, considered by, or relied upon by the Secretary, or created for the purposes of the Secretary's compliance review; and

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Communications that were created as the result of or for the purposes of the Secretary's compliance review, including communications within the Department or any of its subdivisions, and communications between Department staff (or staff of any Department subdivision) and any outside entity.

This is Interim Release Two.

We have located 40 records responsive to your request for this second interim release. (In the first interim release, we released 118 full release (or full grant) records.)

--39 records responsive to your request are fully releasable and are being released in their entirety.

--1 record is partially redacted under 5 U.S.C.552(b)(6), which prohibits from prohibits from disclosure "information that, if disclosed, would invade another individual's personal privacy."

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
14th and Constitution Avenue, N.W.
Washington, D.C. 20230

An appeal may also be sent by e-mail to 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, 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

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

If you have questions regarding this correspondence please contact Jeff Lonergan at jeff.lonergan@noaa.gov or by phone at 301-427-8577, or the NOAA FOIA Public Liaison Robert Swisher at (301) 628-5755.

Sincerely,

Allan Risenhoover,
Acting Deputy Assistant Administrator
for Regulatory Programs