



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

Kate Poole  
Natural Resources Defense Council  
111 Sutter Street, 21<sup>st</sup> Floor  
San Francisco, CA 94104

Re: Request No. DOC-NOAA-2019-001480

Dear Kate Poole,

This letter is in response to your Freedom of Information Act (FOIA) request which was received by our office on June 17, 2019, in which you requested:

1. All records related to the reinitiated Endangered Species Act Section 7 consultation on the Coordinated Long-term Operation of the Central Valley Project and State Water Project and endangered winter-run Chinook salmon
2. All records related to the reinitiated Endangered Species Act Section 7 consultation on the Coordinated Long-term Operation of the Central Valley Project and State Water Project and threatened spring-run Chinook salmon

We have located **1110** emails (1888 files) and **2394** loose documents for this Interim 7 response. You are granted full access to **12** documents (54 files).

- **1085** documents responsive to your request will be fully withheld pursuant to 5 U.S.C. § 552(b)(5), deliberative process privilege.
- **12** documents responsive to your request will be partially withheld pursuant to 5 U.S.C. § 552(b)(5), deliberative process privilege.

We have referred responsive records to the following offices for a release determination and direct response to you:

- **2394** files are being referred to the U.S. Bureau of Reclamation
- **1** document (4 files) will be referred to the U.S. Geological Survey

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 Employment, Litigation, and Information  
U.S. Department of Commerce  
Office of General Counsel  
Room 5896  
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 this correspondence, please contact Shawn Martin at [Shawn.Martin@noaa.gov](mailto:Shawn.Martin@noaa.gov) or the NOAA FOIA Public Liaison Ed Kearns at (301) 628-5658.

Sincerely,

*Samuel Rauch*

Samuel D. Rauch III,  
Deputy Assistant Administrator  
for Regulatory Programs