UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910

THE DIRECTOR

Thomas Knudson
1400 65th Street
Suite 200
Emeryville, CA 94608

MAR 15 2018

Re: FOIA Request DOC-NOAA2016-001763

Dear Mr. Knudson,

This letter is in response to your Freedom of Information Act (FOIA) request which was received by our office on September 15, 2016, in which you requested:

> *...copies of all National Marine Fisheries Service documents, including but not limited to emails, investigative reports and memos, pertaining to the death of U.S. observer Josh Shelton in March 2016. I am making this request on behalf of Reveal News, a non-profit news media organization in California.*

This constitutes our **Final** response to your request. We have located **266** documents responsive to your request. **235** of these documents are being released to you in their entirety.

We are also releasing **26** document responsive to your request that are partially redacted under exemption 5 U.S.C.552(B)(6), which prohibits from disclosure of information that if disclosed would invade another individual's personal privacy, is exempt.

We have also located **5** documents responsive to your request. However, the information contained in these records is exempt, under 5 U.S.C.552(B)(7)(C), Which provides protection for law enforcement information the disclosure of which "could reasonably be expected to constitute an unwarranted invasion of 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

THE ASSISTANT ADMINISTRATOR
FOR FISHERIES

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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, 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

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

If you have questions regarding this correspondence please contact **Kelvin James** at **Kelvin.James@noaa.gov, or by phone at (301) 427-8117**, or the NOAA FOIA Public Liaison Robert Swisher at (301) 628-5755.

Sincerely,

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