

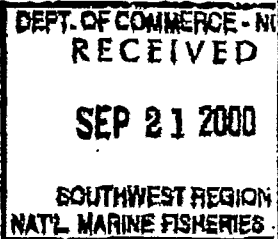
OCT 23 '00 01:57PM NMFS

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FOIA Officer
National Marine Fisheries Service
501 West Ocean Blvd., Ste. 4200
Long Beach, CA 90802-4213

VIA CERTIFIED MAIL-
RETURN RECEIPT REQUESTED



RE: Request For All Documents, Memoranda, Electronic Mail, Permits, Authorizations, Opinions, Notes, And Other Materials related To Oceano Dunes Off-Highway Vehicle Area, Pismo State Beach And San Luis Coast District

Dear Sir or Madam:

This is a request under the Freedom of Information Act (5 U.S.C. Section 552, as amended).

By this letter, I am requesting any documents you may have which contain information related to Oceano Dunes Off-Highway Vehicle Area and Pismo State Beach in San Luis Obispo County, California during the period on and between June 1982 and the present date. This request includes, but is not limited to, documents, memoranda, electronic mail, notes, permits, authorizations, and other materials related to the project, the design, and the feasibility, including preliminary and alternative designs and proposals, formulated before and thereafter.

Such documents need not be identified by title or "draft"/"final" designations if to do so would compromise NMFS' decisionmaking process. In such cases, I ask that you merely delete such revealing designations and release the balance. In light of the ongoing review of the project, I note that time is of the essence in this matter. There is a great need for prompt disclosure so that the released information may more adequately inform the public.

I am making this request on behalf of the Environmental Defense Center. The Environmental Defense Center (EDC) is a non-profit, public interest environmental law firm that actively informs the public on matters affecting land use and development in watersheds of California's south-central coast region. EDC disseminates information to the public via the Internet, commentary to the press, publications, newsletters, and through sponsorship of educational programs and events. As a result of these efforts, EDC has developed an institutional expertise regarding land use and watershed issues and protection. The EDC has litigated, lobbied, and publicly commented on federal actions, which directly affect watersheds and their biological and water resources.

These documents will illuminate in a clear and direct way the operations and activities of National Marine Fisheries Service as it acts to fulfill its congressional mandates designed to protect the nation's species and waterways. As such, their release will significantly contribute to the public understanding and oversight of NMFS operations. EDC plans to make these documents available to the public at its 864 Ocean Street offices in San Luis Obispo, California 93401. EDC's offices serve as a public clearinghouse for south-central coast environmental information. These materials will be used for commercial use or gain.

This request is not meant to be exclusive of any other records, which, though not specifically requested, would have a reasonable relationship to the subject matter of this request.

In the event that access to any of the requested records is denied, please note that the Freedom of Information Act provides that if only portions of a requested file are exempted from release, the remainder must still be released. I therefore request that I be provided with all non-exempt portions, which are reasonably segregable. I further request that you describe the deleted material in detail and specify the statutory basis for the denial as well as your reasons for believing that the alleged statutory justification applies in this instance. Please separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest. Such statements will be helpful in deciding whether to appeal an adverse determination, and in formulating arguments in case an appeal is taken. NMFS written justification might also help to avoid unnecessary litigation. I reserve my right to appeal the withholding or deletion of any information and expect that you will list the office and address where such

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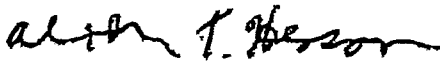
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an appeal can be sent. I anticipate, however, that you will make the requested materials available within the statutory period.

I also request that you waive any applicable fees since this disclosure meets the statutory standard for waiver of fees in that it is clearly "in the public interest because it is likely to contribute significantly to public understanding of the operation or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. Section 552(a)(4)(A). In this regard, I reiterate that EDC has no intention of using the information disclosed for financial gain.

Access to the requested records must be granted within twenty (20) working days from the date of your receipt. Failure to respond in a timely manner shall be viewed as a denial of this request and EDC may immediately file an administrative appeal. Thank you for your prompt attention to this matter.

Sincerely,



Alexander Henson

Staff Attorney

Environmental Defense Center