Public Employees for Environmental Responsibility
962 Wayne Avenue, Suite 610 • Silver Spring, MD 20910
Phone: (202) 265-PEER • **Fax:** (202) 265-4192
Email: info@peer.org • **Web:** http://www.peer.org

February 14, 2017

National Oceanic and Atmospheric Administration
Public Reference Facility (SOU1000)
1315 East-West Highway (SSMC3), Room 9719
Silver Spring, Maryland 20910

U.S. Department of Commerce
1401 Constitution Ave NW
Washington, DC 20230

RE: FREEDOM OF INFORMATION ACT REQUEST

VIA U.S. MAIL & EMAIL

Dear NOAA and DOC FOIA Officers:

Each year, my organization submits requests under the Freedom of Information Act (5 U.S.C. 552, as amended) seeking information from major federal agencies about the incidence of violence and threats against their employees.

Accordingly, Public Employees for Environmental Responsibility (PEER) now asks that, as you have done in years past, you provide information for **calendar year 2017**. Specifically, we request the following records and/or documents concerning acts of violence or threats against National Oceanic and Atmospheric Administration (NOAA) employees and professional observer contractor employees as follows:

> A summary of all incidents of violence, threats, or harassment against **NOAA employees** that occurred in **calendar year 2017**. The summary should include the date, location, and nature of the incident or threat together with a summary of what, if any, outcomes stemmed from the incident or threat (e.g., arrest, conviction, ongoing investigation).
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> A summary of all incidents of violence, threats, or harassment against **professional observers**, including government contractors, that occurred in **calendar year 2017**. The summary should include incidents against observers aboard NOAA vessels or while otherwise carrying out their duties as NOAA contractors, and include the date, location, and nature of the incident or threat together with a summary of what, if any, outcomes stemmed from the incident or threat (e.g., arrest, conviction, ongoing investigation).

In the past, there was some confusion over whether NOAA or the Department of Commerce should handle our request as to *professional observers*. Thus, I am sending this request to both NOAA and DOC, and I trust that the respective FOIA officers will work out amongst themselves the most expeditious way of responding, involving NMFS if necessary.

Please note that your past responses have indicated severe inaccuracies. For example, for our calendar year 2013 request pertaining to violence against professional observers, DOC's Office of Security reported only one responsive incident, yet a report by the NMFS Office for Law Enforcement's Alaska Enforcement Division stated that observers had reported 38 incidents of violence, threats, or harassment in the first two quarters of 2013 in *Alaska alone*. We do not know who within NOAA or DOC keeps track of these numbers, but we ask your assistance and cooperation in ensuring that the appropriate people respond to our request to provide a **complete and accurate response**.

We greatly appreciate your efforts in providing this important information, which will contribute to our ongoing study of the extent of violence and intimidation directed against public resource employees. Release of the requested information is in the interest of the general public, in order for the public to understand the true dimensions of, and motivations for, confrontations with public resource agencies.

For any documents or portions of documents that you claim specific FOIA exemption(s), please provide an index itemizing and describing the documents or portions of documents withheld. The index should, pursuant to the holding of *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974), provide a detailed justification for claiming a particular exemption explaining why each such exemption applies to the document or portion of a document withheld.

PEER requests that all fees be waived because "disclosure of the information is in the public interest . . . and is not primarily in the commercial interest of the requestor" (5 U.S.C. 552 (a)(4)(A)). Disclosure of the above requested information is in the public interest because disclosure would contribute significantly to public understanding of the difficulties encountered by NOAA employees working to manage public resources.

Disclosure is in no way connected with any commercial interest of the requestor. PEER is a nonprofit, nonpartisan public interest organization concerned with upholding the public trust through responsible management of our nation's resources and with supporting professional integrity within public land management and pollution control agencies. To that end, PEER is designated as a tax-exempt organization under section 501(c)(3) of the Internal Revenue code.

If you have any questions about this FOIA request, please contact me at (202) 265-7337. I look forward to receiving the agency's final response within twenty working days.

Respectfully submitted,

Adam Carlesco, Staff Counsel

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Silver Spring, MD 20910
Tel: 202.265.7337
Fax: 202.265.4192
Email: acarlesco@peer.org