



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

Tara Brock
Oceana, Inc.
222 NW Davis, Suite 402
Portland, Oregon 97209

Re: FOIA Request DOC-NOAA-2024-000011

Dear Ms. Brock:

This letter is in response to your Freedom of Information Act (FOIA) request which was received by our office on October 16, 2023, in which you requested:

“Oceana requests release of the following records associated with orca bycatch in Alaska fisheries.

1. Records associated with the take of orcas in North Pacific groundfish fisheries from 2019 to present including the observer report, self-report, lat/long coordinates of the take, identification of the fishery involved in the take, and the date and time of the reported take.
2. Records identifying the stock(s) of orcas for the above described takes, if known, or how the take will be assigned to stock(s) in the absence of identifying information.
3. Records describing any genetic information collected that is related to the above described takes.”

We have located two records responsive to your request. One of these records is being released to you in its entirety.

We are withholding one record responsive to your request that contain redactions under exemption 5 U.S.C. §552(b)(7)(A), which prohibits from disclosure records exempted by information compiled for law enforcement purposes if one of the following harms would occur is exempt: could reasonably be expected to interfere with enforcement proceedings.

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
1401 Constitution Avenue, N.W.
Washington, D.C. 20230



An appeal may also be sent by e-mail to FOIAAppeals@doc.gov or through the online case management system.

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, portal, 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 Anna Banda at anna.banda@noaa.gov or the NOAA FOIA Public Liaison Tony Lavoie 843-834-3516.

Sincerely,

DocuSigned by:

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