



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Pacific Islands Regional Office
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August 7, 2023

Beth Vanden Heuvel
Cape Fisheries Management Organization LLC
15375 SE 30th PL Ste 260
Bellevue, WA 98007
bvandenheuvel@capefisheries.co

Re: FOIA Request DOC-NOAA-2023-010138

Dear Ms. Vanden Heuvel,

This letter is in response to your Freedom of Information Act (FOIA) request which was received by our office on June 23, 2023 in which you requested:

“This request is for the Cape Fleet's full catch descriptions from observer and log sheet data between 2018-2022 to be used for the MSC scope extension of the US FIP. The Cape Fleet includes Cape Breton (WDE2397), Cape Cod (WDD5547), Cape Elizabeth III(WDF8203), Cape Ferrat (WDE2398), Cape Finisterre (WDA4699) and Cape May(WDE2195). Specifically, we would like a minimum of the following data fields: Observer Data: 1. Need for each vessel: Vessel name, trip dates (departure and arrival), trip number/code. 2. Need for each set: Set number, date/time, set type (FAD, free school or other), EEZ or high seas, GPS coordinates. 3. Need for each species of tuna: species code and group, common name, scientific name, fate, retained catch (metric tons). 4. Need for discards: discarded catch by species in metric tons, discarded catch by number of individuals (larger ETP species), fate code (life status upon release - were they discarded dead or if alive, and in what condition). This data field is most relevant for discards of species that are subject to conservation measures). Logbook Data: 1. Need for each vessel: Vessel name, departure port and date, arrival port of landing and date, event year, trip number/code, activity. 2. Need for each set: set number, set date/time, set type(FAD, free school, log), EEZ (sovereign country/island, US EEZ, high seas, FFA, PNA),quadrant, WCPFC (Y/N), IATTC (Y/N). 3. Need for each species of tuna: Species code and group (retained SKJ (MT), retained YFT (MT), retained BET (MT), retained-other, retained catch in MT).”

This Letter constitutes a final release of records. We are releasing 2 documents (*totaling 1892 pages, bates stamped 2023-010138-000001 to 2023-010138-001892*), responsive to your request. These records are being released in their entirety.



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
14th and Constitution Avenue, N.W.
Washington, D.C. 20230

An appeal may also be sent by e-mail to FOIAAppeals@doc.gov.

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 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 5:00p.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 Kimberly Quero at kimberly.quero@noaa.gov or the NOAA FOIA Public Liaison Tony Lavoie 843-834-3516.

Sincerely,

Sarah Malloy
Acting Regional Administrator