



UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

National Marine Fisheries Service

Office of Law Enforcement

Headquarters

1315 East West Highway

Silver Spring, MD 20910

May 16, 2019

Elizabeth A. Mitchell
Association for Professional Observers
PO Box 933
Eugene, OR 97440

Re: FOIA Request DOC-NOAA-2017-001391

Dear Ms. Mitchell,

This letter is in response to your Freedom of Information Act (FOIA) request which was received by our office on June 23, 2017, in which you requested:

“...A summary of all complaints of violence, threats, or harassment against fisheries observers in US fisheries observer programs that occurred in calendar year 2013, 2014, 2015, and 2016, separated by: 1. Year; 2. Whether the complaint was initiated by the observer or by observer program staff; 3. Date of complaint; 4. Observer program from which the observer was deployed; 5. Nature of the complaint (e.g. assault, sexual assault, harassment, verbal abuse, intimidation, interference, lack of assistance, death, or other type of threat); 6. What, if any, outcomes stemmed from each complaint (e.g., arrest, conviction, ongoing investigation). If any portion is redacted, I request that at least the region be revealed.”

On August 24, 2017, you spoke with the Office of Law Enforcement’s FOIA coordinator, Ms. Arlyn Penaranda on the phone discussing the possible approach on disclosing information on open incidents. Per your conversation, you mentioned that releasing a tally of how many open incidents are still pending per Observer Program (Division/Region) will suffice vice providing a spreadsheet with rows fully redacted for all open incidents. Ms. Penaranda sent two emails confirming this approach (August 24, 2017 and September 7, 2017).

In Summary, on November 3, 2017, our office has provided you the list of all complaints of violence, threats, or harassment against fisheries observers in US fisheries observer programs that occurred in calendar year 2013, 2014, 2015, and 2016 from the Office of Law Enforcement Pacific Island and West Coast (North and South) Divisions. Subsequently, we provided you with the list of all complaints of violence, threats, or harassment against fisheries observers in US fisheries observer programs that occurred in calendar year 2013, 2014, 2015, and 2016 from the Office of Law Enforcement Southeast Division on November 28, 2017.

On January 12, 2018, we provided you with the third interim release of the summary of all complaints of violence, threats, or harassment against fisheries observers in US fisheries observer programs from the Office of Law Enforcement Northeast Division in calendar year 2013 and 2014 along with the tally of how many open incidents are still pending action in that Division. You were granted full access to those records.



On April 6, 2018, we are providing you with a fourth interim release of the summary of all complaints of violence, threats, or harassment against fisheries observers in US fisheries observer programs from the Office of Law Enforcement Northeast Division in calendar year 2015 and 2016. You are granted full access to this record, and a copy is enclosed.

For this fifth and final release, we are providing you with the summary of violence, threats, or harassment against fisheries observers in US fisheries observer programs for the Office of Law Enforcement Alaska Division in Calendar year 2013 through 2016. You are granted full access to this record, and a copy is enclosed.

Although we do not consider this to be a denial of your request, 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

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, e-mail subject line, or your fax cover sheet.

FOIA appeals posted to the e-mail box, fax machine, 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 your request, please contact Kelly Andrade at Kelly.Andrade@noaa.gov, or call (727) 824-5329 or the NOAA FOIA Public Liaison Edward Kearns at (828) 350-2410.

Sincerely,

Kelly Andrade
FOIA Coordinator
National Marine Fisheries Service
Office of Law Enforcement