



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Pacific Islands Regional Office
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Honolulu, Hawaii 96818
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October 10, 2023

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

Re: FOIA Request DOC-NOAA-2023-010336

Dear Ms. Vanden Heuvel,

This letter is in response to your Freedom of Information Act (FOIA) request which was received by our office on September 15, 2022. You requested:

“We are requesting the below-listed observer data for the Cape Fleet of tuna purse seiners owned by Cape Fisheries Management Company LLC and operating in the WCPFC (Western & Central Pacific Fisheries Commission) from 2022 until the most recently available information. The CapeFleet includes Cape Breton (WDE2397), Cape Cod (WDD5547), Cape Elizabeth III (WDF8203), Cape Ferrat (WDE2398), Cape Finisterre (WDA4699) and Cape May (WDE2195). This request is for the observer data relevant to the WCPFC (Western & Central Pacific Fisheries Commission) area from the start of 2022 until the most recently available information. Specifically, we would like the following data: 1. WCPFC observer data (2022-latest available) 2. Catch & effort of main target tuna species by gear/set type 3. Retained and discarded bycatch species (volume/number of retained, volume/number of discarded, and fate when discarded 4. Interactions with ETP species (target and incidental) 5. Shark finning incidents, if applicable (DFR, number, species) 6. The following information relating to FAD activities (FAD sets, FAD object number, FAD material (head, tail, and mesh size), and species of special interest entangled) This data will be shared with Cape Fisheries Management Company (point of contact Beth Vanden Heuvel,



bvandenheuvel@capefisheries.com) and Jessica Melgey (from SCS Global, jmelgey@scsglobalservices.com).”

This Letter constitutes a final release of records. We are releasing 4 documents (*totaling 22 pages, bates stamped 2023-010336-000001 to 2023-010336-000022*), 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,

Michelle Mansker
Acting Deputy Regional Administrator