



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
1315 East-West Highway  
Silver Spring, Maryland 20910  
THE DIRECTOR

APR 202010

Ms. Elizabeth Mitchell  
Association for Professional Observers (APO)  
P.O. Box 933  
Eugene, OR 97440

RE: FOIA Request # 2010-00153

Dear Ms. Mitchell:

This letter is in response to the Association for Professional Observer's (APO) Freedom of Information Act (FOIA) request # 2010-00153 dated December 25, 2009, and received by our office on January 15, 2010. APO requested all documents from the National Marine Fisheries Service (NMFS) meetings and/or workshops on data confidentiality of fisheries observer data and information that took place in April 2003 and January 2008. Specifically, APO requested e-mails, agendas, list of attendees, PowerPoint presentations, and handouts given to attendees. ~

The subject matter of the requested documents is identifiable to specific meetings known to have taken-place. Specifically, contacts for these meetings are as follows:

- (1) The first meeting in 2003 is posted on the National Observer Program's website, <http://www.st.nmfs.noaa.gov/st4/nop/workshops.html> as having taken place in April of that year for NOAA and United States Coast Guard employees; and,
- (2) The second meeting in 2008 was held in Seattle, Washington at the Alaska Fishery Science Center, in which only agency personnel were involved.

This letter completes our response to your request. Our search within NMFS, Office of Science and Technology located 537 pages responsive to your request. A summary follows:

- 388 pages are enclosed and released in their entirety.
- 149 pages are withheld in part or in full under 5 U.S.C. § 552 (b)(5) which exempts inter-agency or intra-agency memorandums or letters which would not be available by law to a party in litigation with the agency.

Under 15 C.F.R. § 4.1 O(a) (2010), you have the right to appeal this determination to withhold certain documents. The Assistant General Counsel for Administration must receive your appeal within **30 calendar** days of the date of the initial denial letter. Address and send your appeal to the following office:



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THE ASSISTANT ADMINISTRATOR  
FOR FISHERIES



Assistant General Counsel for Administration  
U.S. Department of Commerce  
Room 5875  
14th and Constitution Avenue, NW  
Washington, DC 20230

You may also send your appeal by e-mail to [FOIAAppeals@doc.gov](mailto:FOIAAppeals@doc.gov) or by facsimile (fax) to (202) 482-2552. The appeal must include a copy of the original request, the response to the request, and a statement of the reasons why withheld records should be made available and why denial of the records was in error. The submission (including e-mail and fax submissions) is not complete without the required enclosures. The appeal, the envelope, the e-mail subject line, and the fax cover sheet should be clearly marked "Freedom of Information Act Appeal." The e-mail, fax machine, and Office of the General Counsel are monitored only on working days during normal business hours (8:30 a.m. to 5:00 p.m., Eastern Time, Monday through Friday). FOIA appeals posted to the e-mail box, or sent to the fax machine, or received by the Office of General Counsel after normal business hours will be deemed received on the next normal business day.

If you have any questions regarding this request, please contact Chris Rilling at (301) 713-2363 x 171, or Robert Brock at (301) 713-2363 x 162.

Sincerely,

~

:: Eric C. Schwaab  
Assistant Administrator  
for Fisheries

Enclosures: CD with releasable information

cc: (w/o encl)  
*FIST* - David Detlor  
*F/ST4* - Stephen K. Brown  
*F/ST4* - Chris Rilling  
*F/ST4* - Samantha Brooke  
*F/ST1* - Karl Moline  
*FIMB2* - Mike Justen  
*FIMB2* - Becky Rootes  
*OIFA* - Jean Carter-Johnson  
*GC/F* - Keith Hagg