

OCEAN LAW PROJECT

October 13, 2000

Freedom of Information Act Officer
National Oceanic and Atmospheric Administration
Public Reference Facility (OFA53)
1305 East West Highway (SSMC4)
Room 8627
Silver Spring, Maryland 20910

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the United States Department of Commerce FOIA regulations, 15 C.F.R. part 4, Earthjustice Legal Defense Fund seeks information concerning the re-initiation of consultation and development of the June 30, 2000 Biological Opinion and Environmental Assessment for the Atlantic Pelagic Fisheries for Swordfish, Tuna, Shark and Billfish in the U.S. Exclusive Economic Zone. Specifically, this request seeks the following documents (including any reports, memoranda, correspondence, computer files, electronic communications, e-mail, and records of telephone conversations), whether in draft or final form:

1. All documents dated from January 1, 2000 to the present leading to or relating in any way to the development of the Atlantic Pelagic Fisheries June 30, 2000 Biological Opinion and Environmental Assessment.
2. All documents dated from January 1, 2000 to the present related to any formal or informal Endangered Species Act Section 7 consultation concerning fisheries interactions with sea turtles, relating in any way to the Atlantic Pelagic Fisheries June 30, 2000 Biological Opinion and Environmental Assessment.
3. All information, including observer reports, dated from January 1, 1999 to the present from National Marine Fisheries Service Regional Offices and National Marine Fisheries Service Science Centers concerning the incidental take of sea turtles by Atlantic pelagic fisheries. Specifically, we request all documents dated from January 1, 1999 to the present (including reports and emails) from National Marine Fisheries Service scientists and regional managers pertaining to sea turtle bycatch and Atlantic pelagic fisheries.
4. All documents requested by George J. Mannina, Jr. of O'Connor & Hannan, LLP., in his recent FOIA of this agency, concerning the topic of interactions with sea turtles in the Atlantic Pelagic Fisheries.

As provided by FOIA and Department of Commerce FOIA regulations, 15 C.F.R. § 4.9(c), we request a waiver of all search and copying fees associated with answering this request. Earthjustice Legal Defense Fund is a national, nonprofit, public-interest law firm that represents citizen groups on a variety of environmental issues, including species conservation, the Endangered Species Act, the Marine Mammal Protection Act, and the National Environmental Policy Act. Earthjustice has no commercial interest in the documents requested. By reviewing the records received in response to this request and sharing the results of that review with other non-profit regional and national environmental organizations and the public at large, Earthjustice Legal Defense Fund will contribute significantly to public understanding of NMFS' activities and the status of sea turtles.

Please let me know whether the waiver of all search and copying fees will be granted before complying with this request. Moreover, if the records described in this request are voluminous, please feel free to contact me to discuss possible ways to satisfy this request in the most efficient manner.

I look forward to your response within twenty days, as required by FOIA, 5 U.S.C. § 552(a)(6)(A)(i). Thank you for your assistance. Please feel free to contact me at (202) 667-4500 if you have any questions concerning this request.

Very truly yours,

Charlotte D. Gray

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