UNITED STATE DEPARTMENT OFCOMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Southeast Fisheries Science Center
75 Virginia Beach Drive
Miami, Florida 33149 U.S.A.

May 2, 2012

Send via Certified Mail or Fed-Ex with Receipt Notification

Mr. Doug Inkley, Ph.D.
Senior Scientist
National Wildlife Federation
11100 Wildlife Center Drive
Reston, Virginia 20190

RE: Freedom of Information Act Request # 2011-00365

Dear Dr. Inkley:

This letter is in response to your Freedom of Information Act (FOIA) request # 2011-00365 dated and received in our office on March 29, 2011. On May 23, 2011 you modified your request in a letter dated May 23, 2011, and received in our office May 25, 2011. Your modification of the request is reflected in italic print:

1. "Documents relating to marine mammal mortality and morbidity in the Gulf of Mexico, including the number of marine mammals, species, age, locations and status (this includes the reports of bottlenose dolphin strandings of January-March, 2011)."

   Request one was originally necessary because NOAA suspended public reporting of this information during certain portions of early 2011 when dolphin strandings, including neonates, increased considerably over historic rates. We appreciate that NOAA has reversed this policy and is now providing updated information to the public on a weekly basis. As long as NOAA continues to provide this information to the public, we no longer request that NOAA provide this directly to us through FOIA.

2. "Documents relating to the cause of mortality or morbidity for the marine mammals related to number one above."

   NOAA continues to withhold this information from public release. NWF stands by its original request for this information, which should be provided immediately now that 20 working days have passed since the filing of the original request.

3. Documents relating to research on sources of marine mammal mortality and morbidity in the Gulf of Mexico, including primary research, preliminary research results, and communication regarding outside research results.

   We no longer request this information at this time, although may at a later date.

4. Documents relating to the rehabilitation, recovery and status of marine mammals, by species, affected or possibly affected by the BP oil spill.

   We no longer request this information at this time, although may at a later date.

On June 7th, 2011, a conference call was held to discuss the scope of your request. On the call were program managers from Protected Resources, NOAA's Legal Counsel, SERO's FOIA Coordinator and the SEFSC Coordinator, Sophia Howard. Specifically, we discussed your request for "*documents relating to the cause of mortality or morbidity for the marine mammals ...*" you were informed that the documents you requested will not be released as they fall under the guidance of DOJ litigation holds, pending criminal investigation. You agreed to the following:

- Summaries of the sea turtle necropsies
- Accept previously released documents related to sea turtle mortality
- DOJ guidelines about the sea turtle investigation and its directive for FOIA offices to withhold necropsy records due to the ongoing investigation.

This is our 5th interim release of records concerning your request. On June 24, 2011 we sent you 2006 record. On October 17, 2011 we sent you 20,275 pages of records. On October 25, 2011 we sent a supplemental release of 200 pages of documents that are responsive to your request. On April 3, 2012, we provided you with 1,524 pages of documents that are responsive to your request. Enclosed is 1-CD containing several jpegs that are responsive to your request and these records are released to you in full.

We continue to search and review responsive material and may make additional interim releases in the future. If you have questions, please call Sophia Howard at 305-361-4286 or by email at sophia.howard@noaa.gov.

Sincerely,

Theo R. Brainerd

Theo Brainerd, Ph.D.,
Deputy Director

Cc: NMFS FOIA1
Beverly Smith
Mike Justen
Eve Joy
Megan O'toole
Sophia Howard