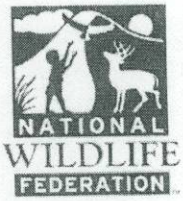
Date: 3/29/11 2011-00365
Due 4/26/11



NATIONAL WILDLIFE FEDERATION®
National Headquarters
11100 Wildlife Center Drive
Reston, Virginia 20190
www.nwf.org

March 29, 2011

EMAIL (FOIA@NOAA.GOV) AND FIRST CLASS MAIL TO:

Freedom of Information Request
National Oceanic and Atmospheric Administration
Public Reference Facility (OFA56)
1315 East West Highway (SSMC3)
Room 10730
Silver Spring, Maryland 20910

RE: FREEDOM OF INFORMATION ACT REQUEST

Dear NOAA FOIA Official:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. §552, the National Wildlife Federation requests any documents (including correspondence, transcripts, and other inter-agency materials) relating to marine mammals in the Gulf of Mexico since April 19, 2010, including:

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).

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

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 communications regarding outside research results.

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

Responsive copies should be mailed within 20 days of receipt of this letter to:

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

If you determine that portions of the records requested are exempt from disclosure, please segregate the exempt portions and mail the remaining records to the above location within the statutory time limits. For any records or portions of records which you determine to be exempt, please provide a specific description of the record or portion of the record exempted along with a particularized description of the exemption relied upon.

This FOIA request is made on behalf of NWF, the nation's largest non-profit conservation advocacy and education organization. NWF has over 4 million members and supporters, and has affiliate organizations in 48 states and territories. NWF's mission is to inspire Americans to protect wildlife for our children's future. As both a conservation education and advocacy organization, NWF clearly falls into the Department of Justice's (DOJ's) FOIA category of "news media, educational, or scientific requester" which qualify for a fee waiver (*See* Dept. of Justice, *Fees and Fee Waivers*, http://www.justice.gov/oip/foia_guide09/fee-waivers.pdf). Furthermore, Department of Commerce guidelines (http://www.osec.doc.gov/omo/foia/foiarequest.htm) state that "Documents shall be furnished without charge, or at reduced charges if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government, and is not primarily in the commercial interest of the requester."

The requested records are likely to "contribute significantly to public understanding of the operations or activities of the government" pertaining to their responsibilities for conservation of marine mammals pursuant to the Marine Mammal Protection Act, the Endangered Species Act and other relevant statutes. In particular, NWF seeks these records for their informative value in evaluating the impact of marine mammal morbidity and mortality associated with or possibly associated with the BP oil spill. Disclosure of the information requested will contribute "significantly" to the public's understanding of the extent of the possible damage to marine mammals, protected by law.

NWF has long-standing interest and expertise in the conservation of marine mammals and endangered/threatened species, and maintains active environmental education and environmental defense programs toward this end. NWF and its members and affiliates are particularly concerned about the conservation of marine mammal species. NWF disseminates the information it receives through FOIA requests regarding these government operations and

activities through analysis and distribution to the media, as well as distribution through mailing, posting on NWF's website, emailing, and listserv distribution to our members, affiliates, and like-minded interested parties nationally. In addition, NWF disseminates this information through congressional testimony, comments to administrative agencies, and where necessary, through the judicial system.

Finally, the disclosure of this information is not "primarily," or even secondarily, in the commercial interest of the National Wildlife Federation. NWF does not intend to use this information in a manner that "furthers a commercial, trade, or profit interest as those terms are commonly understood." Any publication of any analysis of the requested information would be for the sole purpose of disseminating the information to the public at large to educate and advocate for the conservation of marine mammals in the Gulf of Mexico.

For the foregoing reasons, it is clear that the disclosure of the information requested is in the public interest because it is likely to contribute significantly to the public's understanding of the extent and impact of the BP oil spill on marine mammals. The public unquestionably will be the primary beneficiary of this requested information. Therefore, please waive processing and copying fees pursuant to 5 U.S.C. § 552(a)(4). In any event, the request for a fee waiver should not be construed as an extension of time in which to reply to this FOIA request.

Thank you for your consideration. If you have any questions, please do not hesitate to contact me at (703) 438-6460.

Sincerely,

Doug Inkley

Doug Inkley, Ph.D.
Senior Scientist
National Wildlife Federation
Tel: (703) 438-6460
inkley@nwf.org

Bhagnatee M. Young

From:	Doug Inkley [inkley@nwf.org]
Sent:	Tuesday, March 29, 2011 8:01 AM
To:	foia@noaa.gov
Cc:	Doug Inkley
Subject:	Marine Mammal FOIA Request
Attachments:	FOIA Marine Mammal 3 29 2011.pdf

Please find attached a FOIA request dated March 29, 2011 from the National Wildlife Federation.
Thank you.

Douglas B. Inkley, Ph.D.
Senior Scientist
National Wildlife Federation
11100 Wildlife Center Drive
Reston, Virginia 20190
703-438-6460
inkley@nwf.org

75 NATIONAL WILDLIFE FEDERATION
Celebrating 75 years of protecting wildlife