UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701
(727) 551-5762; FAX (727) 824-5341
http://sero.nmfs.noaa.gov

VIA UNITED PARCEL SERVICE

JUL 12 2012

SER14:BJS
SER11-023
FOIA 2011-00281

Catherine W. Kilduff
Staff Attorney
Center for Biological Diversity
351 California Street, Suite 600
San Francisco, California 94104

RE: FOIA Request #2011-00281

Dear Ms. Kilduff:

This is in reference to your Freedom of Information Act (FOIA) request #2011-00281 dated February 18, 2011, and received by our offices on February 22, 2011. You requested information regarding consultations with federal agencies under the Endangered Species Act (ESA), 16 U.S.C. § 1531, *et seq.*, and management of fish and wildlife during oil spill response activities.

This is a second interim release of records concerning your request. We have enclosed 18 pages on a compact disk in response to your request, which are in portable document format (PDF). Pursuant to 15 CFR Part 4 (copy enclosed), we have referred eight of the 18 pages to the U.S. Fish and Wildlife Service (FWS) for release determination and direct response to you. A copy of our referral letter to the FWS is enclosed.

Please note that NMFS does not consider discretionary release to be a waiver of FOIA exemptions.

We continue to process your request, which we anticipate will be completed shortly. If you have any questions, please contact Beverly J. Smith, FOIA Coordinator, at (727) 551-5762 or beverly.smith@noaa.gov

Sincerely,

Roy E. Crabtree, Ph.D.
Regional Administrator

Enclosures

cc: (w/o enclosure)
F/MB2 – Burroughs, Rootes, Justen
SER – Atwell, Crabtree
SER1 – Smith, Aldrich
O/FA – Carter-Johnson, Marks, Schumaker
GCNR – Walker, Sams
GCSE – Joy, Deliz

FOIA REQUEST #: 2011-00281
NAME: KILDUFF
RELEASE: 2ND INTERM RESPONSE AND AGENCY REFERRALS*

CONCURRENCE CLEARANCE:

Date	Signature	Office
07/11/2012	Beverly J Smith	FOIA
06/26/2012	See attached e-mail clearances by D. Walker, Attorney-Advisor, Natural Resources for DWH FOIAS	GCNR
7/12/12	LJ Atwell	DIRECTORATE

*Referrals: U.S. Coast Guard; U.S. Fish & Wildlife Service; Council on Environmental Quality

Beverly Smith <beverly.smith@noaa.gov>

RE: FOIA REQUEST 32011-00281 KILDUFF (CBD) (DWH) - RESPONSIVE RECORDS

Denise Walker <denise.walker@noaa.gov> Wed, Apr 4, 2012 at 8:46 AM
To: Beverly Smith <beverly.smith@noaa.gov>, Megan O'toole <megan.o'toole@noaa.gov>
Cc: Jeff Shenot <jeff.shenot@noaa.gov>, Mike Justen <mike.justen@noaa.gov>, Gary Jackson <gary.jackson@noaa.gov>

Beverly:

I've completed my review of these documents.

We should have a CD to you shortly. Here is how the documents break out. Please give me a call 301.713.3509 and we can discuss what you need to close this out.

1. Fully Releasable (75)

2. Fully Withhold (~~10~~ 8) (all b5 attorney client communications) Miscount

Referrals:

3. DOI (6) (4) (2 emails previously released BP on emails)

4. USCG (5)

5. Other (1) (will require coordinated agency review through Matt Carney) (CEQ referral)

Denise

Denise A. Walker, Attorney Advisor

Natural Resources Section

NOAA General Counsel Office

1315 East West Hwy; 15871A

Silver Spring, MD 20910-3282

E-Mail: denise.walker@noaa.gov

Office w/Voice Mail: 301.713.3509 ext: 200

Mobile: 301.367.5876

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From: Beverly Smith [mailto:beverly.smith@noaa.gov]
Sent: Wednesday, December 14, 2011 3:46 PM
To: Denise Walker; Megan O'toole
Cc: Jeff Shenot; Mike Justen; Gary Jackson
Subject: FOIA REQUEST 32011-00281 KILDUFF (CBD) (DWH) - RESPONSIVE RECORDS

Megan and Denise,

I will be sending to you by UPS the records in response to the above-captioned FOIA request #2011-00281. Please be advised that this is a multi-region FOIA request that includes input from NMFS' OPR (no records response) and NMFS' HQ HCD. The records are on a compact disk (CD) and are identified by the following Custodian names:

SERO Records
Baker
Reece
Shotts
Horn

HQ HCD Records
Iliff

A copy of the completed search forms for SER's records will be enclosed with the CD.

John Iliff's records are in portable document format (PDF) and I received the records via e-mail from Jeff Shenot, HQ HCD, in response to the request. I did not receive a completed search form from Jeff for Mr. Iliff, therefore, I do not know if the records are releasable or not releasable.

If you have any questions, please feel free to contact me.

Thank you for your assistance.
Beverly