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

THE DIRECTOR

SEP 21 2011

Mr. Stewart Loeblich
waterwar@gmail.com

Re: FOIA Request # 2011-00514

This letter is in response to your Freedom of Information Act (FOIA) request # 2011-00514 dated June 21, 2011, and received by our office on June 22, 2011. You specifically requested:

- All data of the necropsy report of Pilot Whales who expired June 18, 2011, at Marine Mammal Conservancy in the Florida Keys, full report including pictures, summaries, medications, treatment administered.

This letter completes our response to your request. This search was conducted within the National Marine Fisheries Service, Southeast Fisheries Science Center, and located records responsive to your request. A summary follows:

- 3 pages are enclosed in the compact disk and withheld in part under:
  - 5 U.S.C. § 552 (b)(5) which exempts from disclosure inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency. The records are exempted from disclosure through deliberate process privilege due to the preliminary nature of the records.
  - 5 U.S.C. § 552 Exemption B(7)(A) which protect the disclosure of records or information compiled for law enforcement purposes but only to the extent that the production of such law enforcement records or information could reasonably be expected to interfere with enforcement proceedings.

- The remaining records are withheld in their entirety under:
  - 5 U.S.C. § 552 (b)(5) which exempts from disclosure inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency. The records are exempted from disclosure through deliberate process privilege due to the preliminary nature of the records.
  - 5 U.S.C. § 552 Exemption B(7)(A) which protect the disclosure of records or information compiled for law enforcement purposes but only to the extent that the production of such law enforcement records or information could reasonably be expected to interfere with enforcement proceedings.

Under 15 C.F.R. § 4.10(a) (2011), you have the right to appeal this denial determination. 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:

THE ASSISTANT ADMINISTRATOR
FOR FISHERIES

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Assistant General Counsel for Administration (Office)
U.S. Department of Commerce
Room 5898-C
14th and Constitution Avenue, NW
Washington, DC 20230

You may also send your appeal by e-mail to **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 Sophia Howard, FOIA Coordinator at 305-361-4286.

Sincerely,

Eric C. Schwaab
Assistant Administrator
for Fisheries

Subject: Re: Update:Mass Stranding of Pilot Whales in FL Keys
From: Blair.Mase@noaa.gov
Date: Wed, 11 May 2011 06:49:57 -0400
To: Blair.Mase@noaa.gov
CC: Bonnie.Ponwith@noaa.gov, Ruth.Ewing@noaa.gov, Lance.Garrison@noaa.gov, Theo.Brainerd@noaa.gov, Peter.Thompson@noaa.gov, Jennifer.Schull@noaa.gov, Jenny.Litz@noaa.gov, Elizabeth.Tuohy-Sheen@noaa.gov, laura.dias@noaa.gov, David.Bernhart@noaa.gov, erin.fougeres@noaa.gov, Laura.Engleby@noaa.gov, Trevor.Spradlin@noaa.gov, Teri.Rowles@noaa.gov, John.Oliver@noaa.gov, Karrie.Carnes@noaa.gov, Ken.Blackburn@noaa.gov, kim.amendola@noaa.gov

Good morning everyone,
There are a total now of 22 confirmed whales. Two were released offshore and 5 were taken from the triage site in Cudjoe Key to the Marine Mammal Conservancy's rehab facility in Key Largo. Those 5 were transported early yesterday morning in a refrigerated Publix truck. The transport went very smooth. Of the 5 live whales two are considered to be in critical condition and three are in guarded condition.

The two released whales are together and in Gulf Stream off the east coast of Florida. See attached map.

14 dead whales were necropsied by a necropsy team in Key west (NMS Facility). b(5)b(7)(A) [redacted] The remaining edad whale was found yesterday afternoon and sampled from the field.

I would like to re-iterate that this stranding event has been outstanding cooperative effort of state, federal and stranding network organizations. I would especially like to acknowledge the role of the NMS. Frankly, we could not have pulled off this response effort so well without their folks taking on significant roles in this event (logistics and media).

Blair

----- Original Message -----
From: <Blair.Mase@noaa.gov>
Date: Friday, May 6, 2011 10:05 pm
Subject: Update:Mass Stranding of Pilot Whales in FL Keys
To: <Blair.Mase@noaa.gov>
Cc: bonnie.ponwith@noaa.gov,ruth.ewing@noaa.gov,lance.garrison@noaa.gov, theo.brainerd@noaa.gov,peter.thompson@noaa.gov,Jennifer.schull@noaa.gov, jenny.litz@noaa.gov,elizabeth.tuohy-sheen@noaa.gov,laura.dias@noaa.gov, david.bernhart@noaa.gov,erin.fougeres@noaa.gov,laura.engleby@noaa.gov, trevor.spradlin@noaa.gov,teri.rowles@noaa.gov,john.oliver@noaa.gov, Karrie.carnes@noaa.gov,ken.blackburn@noaa.gov,kim.amendola@noaa.gov

> Hi all,
>
> Here is an update on the stranding. So far, 7 live pilot whales were brought into a staging area sea pen in Cudjoe Key. One was euthanized this evening. 12 dead whales were brought in as well. Those whales plus the one euthanized this evening will be taken to a necropsy staging area in Key West (NMS) where necropsies will be conducted tomorrow. As of this evening 2 of the remaining 6 live whales fit criteria for immediate release. If their condition remains the same in the morning they will be fitted with satellite transmitters and released offshore tomorrow. The remaining whales will be brought into rehabilitation at the Marine Mammal Conservancy's rehabilitation facility in Key Largo.
>
> This mass stranding response effort is a huge collaboration with stranding network organizations through out the state assisting with the effort. These include: NOAA NMS, SEFSC and SERO, The USCG, FWCC, FWRI, Sea World, Hubbs Sea World Research Institute, Marine Animal Rescue Society, Marine Mammal Conservancy, Mote Marine Laboratory, Harbor Branch Oceanographic Institute, Georgia Aquarium's Dolphin Conservation Field Station and the University of Florida.
> Media interest remains high for this event.
>
> I will be providing additional updates tomorrow.

Blair

----- Original Message -----
From: <Blair.Mase@noaa.gov>
Date: Friday, May 6, 2011 1:07 am
Subject: Mass Stranding of Pilot Whales in FL Keys
To:
bonnie.ponwith@noaa.gov,ruth.ewing@noaa.gov,lance.garrison@noaa.gov,
theo.brainerd@noaa.gov,peter.thompson@noaa.gov,Jennifer.schull@noaa.gov,
jenny.litz@noaa.gov,elizabeth.tuohy-sheen@noaa.gov,laura.dias@noaa.gov,
david.bernhart@noaa.gov,erin.fougeres@noaa.gov,laura.engleby@noaa.gov,
trevor.spradlin@noaa.gov,teri.rowles@noaa.gov,john.oliver@noaa.gov,
Karrie.carnes@noaa.gov,ken.blackburn@noaa.gov
Cc: kim.amendola@noaa.gov

Hi folks,
There is a mass stranding of pilot whales on going near Cudjoe Key
(mile marker 21 on bay side). So far there are 16 confirmed whales,
2
are dead. The whales are scattered on sand flats and mangroves
throughout a 5-7 mile area. The Marine Mammal Conservancy is the
primary responder and USCG as well as FWCC is on scene.
Veterinarians
have been able to evaluate 10 of the 16 whales. The others could not

be reached by vessel due to low tide.

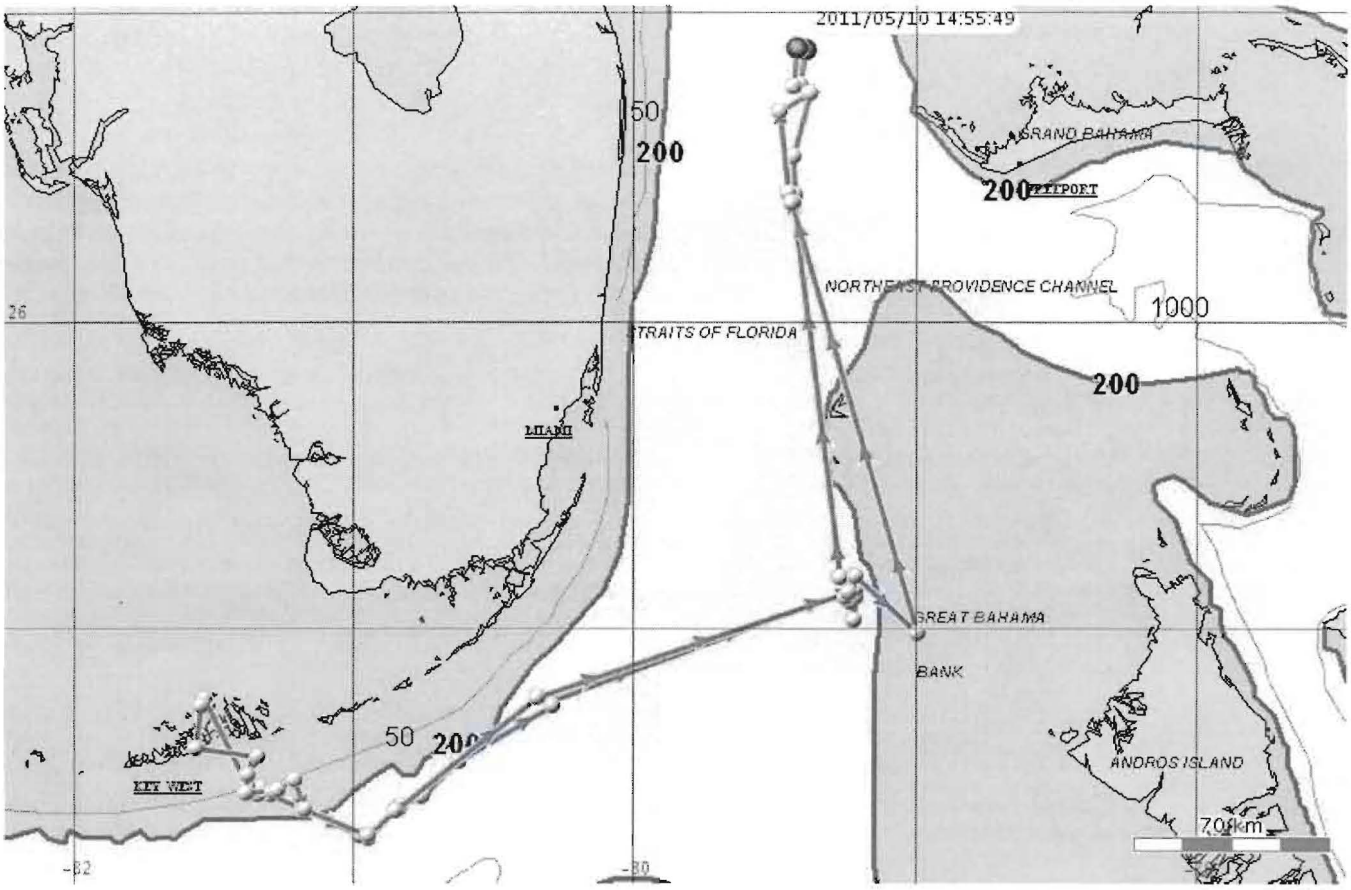
A sea pen has been erected at the mainland staging area and
currently
housing 4 whales for stabilization. Stranding Network members
throughout the state are on standby to provide support and some are

already en route to providing needed resources such as transport
vehicles, vessels and experienced personnel. NOAA OLE and USFWS
will
be on scene in the morning. NMS has been alerted and will provide
support as needed. Media interest is high and Karrie Carnes (NMS)
is
the on-scene media coordinator with Kim Amendola assisting as
off-site
media coordinator. SEFSC and SERO MMHSRP staff are rotating as the
Federal On-Scene Coordinators for this event.

I will provide an update in the morning.

Blair

Map-2011-05-10-16-11-50.jpg



Map-2011-05-10-16-11-50.jpg	**Content-Type:** image/jpeg **Content-Encoding:** base64