



United States Department of the Interior



NATIONAL PARK SERVICE
Pacific West Region
1111 Jackson Street, Suite 700
Oakland, California 94607-4807

IN REPLY REFER TO
A 7221 (PWR-PA)

DEC 1 0 2010

Mr. Ken Miguel
KGO-TV, ABC, Inc.
900 Front Street
San Francisco, CA 94111

Dear Mr. Miguel:

This is the final response to your electronic mail message to Kevin Killeen dated November 1, 2010, regarding our response to your earlier Freedom of Information Act (FOIA) request with the Department of the Interior tracking number NPS-2010-00755.

The history of your FOIA request began with a June 11, 2010 request regarding wildlife observation cameras, harbor seal data and documents, and correspondence between the National Park Service (NPS) and the Lunny family. In our initial response dated July 7, 2010, we asked you to clarify whether you were seeking information regarding cameras and associated researchers throughout the park, or only those in and around Drakes Estero.

In your electronic mail message to Kevin Killeen on July 13, 2010, you responded:

I would amend my request to just those cameras "in and around Drakes Estero," as previously defined in my letter dated June 11, 2010.

The National Park Service has provided you with documents responsive to Items 1 through 10 of your FOIA request. On August 2, 2010, the park sent you copies of approximately 250,000 images, (Items 6 and 7 of your request) on the portable hard drive you provided. On September 13, 2010, you were sent a second interim response which included records associated with the installation and use of wildlife observation cameras (Items 1 through 5), and harbor seal data and documents (Item 8 and 10). On September 24, 2010, you were sent correspondence between the NPS and Kevin Lunny, Nancy Lunny, and the Drakes Bay Oyster Company (DBOC) (Item 9).

One of the documents that might have been otherwise responsive (approximately 25 pages) contains proprietary DBOC business information. Mr. Lunny was contacted regarding the release of this document and he requested that we not share it. Therefore, pursuant to exemption 4 of the FOIA (5 U.S.C. 552(b)(4)) which permits an agency to withhold confidential financial information, the document is being withheld.

As part of the September 13, 2010 release to you, a document containing observations of photos taken at Drakes Estero between April 17 and August 1, 2009 was included. Upon review, we realized that due to an inadvertent clerical error, only 7 pages of the 14 pages (every other page) were released. The entire document is enclosed. Please note that the individual identified in this release was a volunteer.



Now, in your November 1, 2010 message, you request the name of a graduate student who applied for a research permit associated with the cameras. Her name is Andrea Dransfield. She subsequently decided not to conduct the research outlined in the permit and requested cancellation of the Research and Collection permit. Attached are the Research and Collection Permit and a copy of her request to cancel of the permit.

In your November 1st message you also state:

In reading through the e-mails, there appears to be holes in the e-mail exchanges provided by NPS. While, I understand that some of these may be follow-ups to phone calls, I request that NPS release any further e-mails that have been withheld.

As required by law, the National Park Service is required to itemize all documents being withheld. I see no attachment in my FOIA request.

To clarify, please note that no responsive emails were deliberately withheld. However, we are conducting further review of our responses in an effort to identify gaps in the email exchanges to which you refer. If you have any additional information that has led you to believe there are gaps in the responses, please provide such information to assist in refining the search. If any additional documents are discovered they will be provided, however, we are designating this as a final response to preserve your FOIA appeal rights.

Point Reyes National Seashore is embarking on an innovative effort to make park documents and data available to the public as part of our continuing efforts to improve public understanding of research and management activities. We have created an online Point Reyes Public Document Reading Room which will provide public access to Freedom of Information Act (FOIA) responses, other frequently requested park documents, videos, and more than 250,000 photographs from wildlife monitoring projects. The reading room will be updated frequently. You may access these documents at the Point Reyes Public Document Reading Room web site at the following internet address:
http://www.nps.gov/pore/parkmgmt/planning_reading_room.htm

Among other documents of interest, the park has identified some additional data that may be responsive to your request. We did not transmit these materials as part of our earlier response to you as they were overlooked, but we have posted them in the reading room under Upper Drakes Estero Harbor Seal and Oyster Activity Data. We have also enclosed them here.

You will note that a few of the documents which are being released to you in response to your request have some minor redactions. The Department of the Interior maintains that certain information, such as addresses, telephone numbers and/or electronic mail addresses identified in the records implicates privacy interests of individuals identified in the documents. We do not perceive, nor have you enunciated any public interest that would be served in disclosing this data which would outweigh the privacy interests of the subject individual. Therefore, the remaining personal information is withheld under exemption 6 of the FOIA (5 U.S.C. 552(b)(6)), which permits an agency to withhold "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy."

If you consider this response to be a denial, you have the right to appeal this decision by writing to the Freedom of Information Act Appeals Officer, Department of the Interior, 1849 C Street NW, MS-7456, MIB, Washington, D.C. 20240. Your FOIA appeal must be received by the FOIA Appeals Officer no later than 30 workdays from the date of this final response. A copy of your original request and this letter should accompany the appeal, as well as a brief statement of the reasons why you believe this initial decision to be in error. The appeal should be marked "Freedom of Information Appeal" both on the envelope and the face of the letter.

Alternatively, as part of the 2007 OPEN Government Act FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and federal agencies as a nonexclusive alternative to litigation.

Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services (OGIS)
National Archives and Records Administration
Room 2510
8601 Adelphi Road
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Phone: 301-837-1996
Fax: 301-837-0348
Toll-free: 1-877-684-6448

In addition to myself, Attorney Advisor Deborah Bardwick and Acting FOIA Officer Kevin Killeen participated in this decision. If you have questions about the processing of your FOIA request, Mr. Killeen can be reached at 206-220-4051.

Sincerely,

GEORGE J. TURNBULL
FOR

Christine S. Lehnertz
Regional Director, Pacific West Region

Enclosures

cc: Kevin Lunny, Drakes Bay Oyster Company