



United States Department of the Interior

NATIONAL PARK SERVICE

Point Reyes National Seashore
Point Reyes, California 94956

IN REPLY REFER TO:

A 7221 (PWR-PA)

SEP 13 2011

Mr. Ken Miguel
ABC 7 NEWS
KGO-TV/DT, ABC, Inc.
900 Front Street
San Francisco, CA 94111

Dear Mr. Miguel:

This letter is a final response to your Freedom of Information Act (FOIA) sent by electronic mail to Superintendent Cicely Muldoon on August 16, 2011. The Department of the Interior tracking number for this request is NPS-2011-0720. Please include this number in future correspondence regarding your request.

In your August 16 letter you requested “*access to and copies of all data and research needed to duplicate the findings of the following scientific studies:*”

- 1. Modeling the effects of El Nino, density-dependence, and disturbance on harbor seal (Phoca vitulina) counts in Drakes Estero, California: 1997–2007* By BENJAMIN H. BECKER, Pacific Coast Science and Learning Center, Point Reyes National Seashore [Becker et. al. 2009]
- 2. Evidence for long-term spatial displacement of breeding and pupping harbour seals by shellfish aquaculture over three decades, By Benjamin H. Becker, David T. Press, Sarah G. Allen* [Becker et. al. 2011]

This request includes all data points, inputs, and codes (including r-codes), used to come to the report's conclusions.”

As you know, the Marine Mammal Commission (MMC) is currently reviewing each of these journal articles and anticipates completion of their review process this fall. Recently the MMC coordinated a statistical review of the document you list as item 2 (Becker et. al. 2011). The information that was created and provided to the MMC for the purpose of their statistical review, including all data points, inputs, and codes (including r-codes) is enclosed. You have requested the same for the document listed as Item 1 (Becker et. al. 2009). This information was not requested by the MMC as part of their review.

The folder “Item 1” contains the data points, inputs and codes for:

Becker, B.H., D.T. Press, and S.G. Allen. 2009. *Modeling the effects of Disturbance, El Niño and Density Dependence on Harbor Seals in Drakes Estero, California: 1997-2007*. Marine Mammal Science 25: 1-18.

The folder "Item 2" contains the data points, inputs and codes for:

Becker, B. H., D. T. Press, and S. G. Allen. 2011. *Evidence for long-term spatial displacement of breeding and pupping harbor seals by shellfish aquaculture over three decades*. Aquatic Conservation, Marine and Freshwater Ecosystems 21:247-260.

The data in the folder "Item 2" was created specifically for the Marine Mammal Commission (MMC) statistical review for Becker 2011 which is currently pending.

No responsive documents have been withheld or redacted.

You have the right to appeal the decision by writing to the Freedom of Information Act Appeals Officer, Department of the Interior, 1849 C Street NW, MS-6556, 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 all correspondence between you and the National Park Service regarding your request should accompany the appeal, as well as a brief statement of the reasons why you believe the 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 20740-6001E-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 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,



Cicely A. Muldoon
Superintendent

cc: FOIA Officer, Pacific West Region

Enclosure