



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE Washington D.C. 20240



In Reply Refer To:  
DOI-2025-000331

November 1, 2024

Via email: [foia@biologicaldiversity.org](mailto:foia@biologicaldiversity.org)

Ann Brown  
Center for Biological Diversity  
P.O. Box 11374  
Portland, Oregon 97211

Dear Ms. Brown:

The U.S. Fish and Wildlife Service (FWS) Freedom of Information Act (FOIA) Office received your FOIA request dated October 7, 2024, and assigned it control number DOI-2025-000331. Please cite this number in any future communications with our office regarding your request. You requested the following from June 1, 2024, to the date FWS conducts our search:

- *the records documenting FWS' review and/or investigation of impacts to birds, eggs, and/or nests for species protected under the Migratory Bird Treaty Act ("MBTA") and/or the Endangered Species Act ("ESA") from debris associated with the June 2024 launch of the Starship/Superheavy rocket at Boca Chica, Texas.*

### Response

We are writing to partially respond to the investigative portion of your request. The Office of Law Enforcement has conducted a search of their records and at this time, we are withholding all responsive documents under Exemption 7, which protects from disclosure "records or information compiled for law enforcement purposes" if the records fall within one or more of six specific bases for withholding set forth in subparts (A) through (F). [5 U.S.C. § 552\(b\)\(7\)\(A\)-\(F\)](#). We are withholding these documents under Exemption 7 because they are protected under the subpart:

7(A)

Exemption 7(A) protects law enforcement records if their release could reasonably be expected to interfere with enforcement proceedings. For the materials that have been withheld under 7(A), we have determined they are law enforcement records for a pending or prospective investigation and releasing them could reasonably be expected to interfere with enforcement proceedings because their premature release could prematurely reveal the full scope of evidence obtained; the assessment of the evidence; strengths and weaknesses of the government's evidence and case; and the progress, status, direction, and limits of the

government's investigation.

We reasonably foresee that disclosure would harm an interest protected by one or more of the nine exemptions to the FOIA's general rule of disclosure.

Larry Mellinger, Attorney-Advisor, in the Office of the Solicitor was consulted.

The Ecological Services and Migratory Birds Programs are continuing to search for additional records that are responsive to your request.

Because this is an interim response to your request, we will provide notice of your appeal rights in our final response letter.

### **Conclusion**

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. See [5 U.S.C. 552\(c\)](#). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

We recommend you contact us within the next **180 days** to determine the status of the investigation. Although the information is not releasable at this time, it may become releasable when the release would not cause harm to ongoing law enforcement proceedings.

If you have any questions about this response to your request, you may contact me by email at [tiffany\\_joseph@fws.gov](mailto:tiffany_joseph@fws.gov), or by mail at U.S. Fish and Wildlife Service; ATTN: FOIA Office; 5275 Leesburg Pike; MS: IRTM; Falls Church, VA 22041.

Sincerely,

Tiffany Joseph  
HQ IRTM FOIA Coordinator  
U.S. Fish and Wildlife Service  
[tiffany\\_joseph@fws.gov](mailto:tiffany_joseph@fws.gov)