



United States Department of the Interior

FISH AND WILDLIFE SERVICE

5275 Leesburg Pike, MS: IRTM
Falls Church, VA 22041



IN REPLY REFER TO:
DOI-FWS-2021-005160

September 20, 2021

Via email: tsanerib@biologicaldiversity.org

Tanya Sanerib
Center for Biological Diversity
2400 NW 80th Street, #146
Seattle, WA 98117

Dear Ms. Sanerib:

The U.S. Fish and Wildlife Service (FWS) received your Freedom of Information Act (FOIA) request dated July 21, 2021 and assigned it control number DOI-FWS-2021-005160. Please cite this number in any future communications with our office regarding your request.

You requested the following:

“...records pertaining to leopards, African elephants, and African lions, or any combination of species from June 18, 2021 to whenever this request has been processed:

All non-detriment findings (positive or negative) or general advices made or received by USFWS for imports of sport hunted trophies or a trophy;

All enhancement findings (positive or negative) or advice for imports of sport hunted trophies or a trophy;

All permit applications submitted for ESA permits for sport hunted trophies or a trophy;

All permit applications submitted for CITES permits for sport hunted trophies or a trophy;

All FWS decisions (positive or negative) on ESA permit applications for sport hunted trophies or a trophy;

All FWS decisions (positive or negative) on CITES permit applications for sport hunted trophies or a trophy;

All FWS communications sent to applicants regarding ESA permit applications for sport hunted trophies or a trophy;

All FWS communications sent to applicants regarding CITES permit applications for sport hunted trophies or a trophy.”

Response

We are writing to provide a final respond to your request. We have previously partially responded to this request on September 13, 2021. We have enclosed one file consisting of one (1) page, which is being released but withheld in part under Exemptions 6, 7(C), and 7(E) of the FOIA as explained below.

Exemption 6 and 7(C) 5 U.S.C. § 552(b)(6) and (b)(7)(C)

Exemptions 6 and 7(C) provide protection for personal privacy interests. Exemption 7(C) protects law enforcement records if their release could reasonably be expected to constitute an unwarranted invasion of personal privacy. It is regularly applied to withhold references to individuals in law enforcement files. For the materials that have been withheld under Exemptions 6 and 7(C), we have determined that releasing them would constitute an unwarranted invasion of privacy because they identify an individual.

Exemption 7(E) 5 U.S.C. § 552(b)(7)(E)

Exemption 7(E) protects law enforcement records if their release would disclose techniques and procedures for law enforcement investigation or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if the disclosure could reasonably be expected to risk circumvention of the law. For the materials that have been withheld under 7(E), we have determined that there are guidelines for law enforcement investigations or prosecutions whose release could reasonably be expected to risk circumvention of the law.

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.

Cathy Willis, FWS FOIA Officer, is responsible for this partial denial. Larry Mellinger, Attorney-Advisor, in the Office of the Solicitor was consulted.

Mediation Services

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive 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
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770

Fax: 202-741-5769
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA and Privacy Act Appeals Officer.

Contact information for the Department's FOIA Public Liaison, whom you may also seek dispute resolution services from, is available at <https://www.doi.gov/foia/foiacenters>.

Appeal Rights

You may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal **no later than 90 workdays** from the date of this letter. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe the FWS' response is in error. You must also include with your appeal copies of all correspondence between you and FWS concerning your FOIA request, including your original FOIA request and FWS' response. Failure to include with your appeal all correspondence between you and FWS will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

DOI FOIA/Privacy Act Appeals Office Contact Information

Department of the Interior
Office of the Solicitor
1849 C Street, N.W.
MS-6556 MIB
Washington, DC 20240

Attn: FOIA/Privacy Act Appeals Office
Telephone: (202) 208-5339
Fax: (202) 208-6677
Email: FOIA.Appeals@sol.doi.gov

For more information on FOIA Administrative Appeals, you may review the Department's FOIA regulations at 43 C.F.R. Part 2, Subpart H.

Conclusion

We do not bill requesters for FOIA processing fees when their fees are less than \$50.00, because the cost of collection would be greater than the fee collected. *See* [43 C.F.R. § 2.37\(g\)](#). Therefore, there is no billable fee for the processing of this request and your fee waiver is moot.

If you have any questions, please contact Shaunta Nichols, Division of Information Resources and Technology Management, MS: IRTM, 5275 Leesburg Pike, Falls Church, Virginia 22041 (703-358-2374 or via e-mail at shaunta_nichols@fws.gov).

Sincerely,

For Cathy Willis
FWS FOIA Officer