



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

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



IN REPLY REFER TO:  
FWS-2019-00574

May 20, 2021

Via email: [tsanerib@biologicaldiversity.org](mailto: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 March 20, 2019 and assigned it control number FWS-2019-00574. Please cite this number in any future communications with our office regarding your request.

You requested the following:

*“...all emails; meeting minutes and notes; powerpoint presentations; memos (draft and final); phone records; and call notes pertaining to African elephant and lion trophy import permit applications (under the ESA or CITES), permitting decisions (under the ESA or CITES), non-detriment findings (positive or negative), and/or enhancement findings (positive or negative) from November 19, 2017 to whenever this request has been processed.”*

### **RESPONSE**

We are writing to provide a final respond to your request. We have enclosed three files consisting of seven thousand thirty-three (7,033) pages, which are 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](mailto:ogis@nara.gov)  
Web: <https://www.archives.gov/ogis>  
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 & Privacy Act Appeals Officer.

Contact information for the Department's FOIA Acting Public Liaison Cindy Cafaro at (888) 603-7119, who 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 as soon as possible after this communication. 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 this 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 this 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](mailto: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.

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.

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](mailto:shaunta_nichols@fws.gov)).

Sincerely,

For Cathy Willis  
FWS FOIA Officer