



United States Department of the Interior
FISH AND WILDLIFE SERVICE

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



In Reply Refer To:
FWS-FOIA Number

March 7, 2023

Sent VIA Email: adam.kreger@friendsofanimals.org

Adam Kreger
Associate Attorney
Friends of Animals
Wildlife Law Program
7500 E. Arapahoe Road, Suite 385
Centennial, CO 80112

Dear Mr. Kreger:

This interim letter is in response to your Freedom of Information Act (FOIA) request dated April 14, 2022 and assigned it control number DOI-FWS-2022-003161. Please cite this number in any future communications with our office regarding your request.

You requested the following:

Friends of Animals requests copies of all documents and records held by the U.S. Fish and Wildlife Service for the time period starting January 1, 2017, and ending April 8, 2022, relating to the proposed use of brodifacoum to eradicate the House Mouse (*Mus Musculus*) on the South Farallon Islands. Specifically,

1. All documents relating to FWS's analysis of the proposed action's compliance with the:

- a. Marine Mammal Protection Act (16 U.S.C. § 1251 et seq.);
- b. Endangered Species Act (16 U.S.C. § 1531 et seq.);
- c. National Marine Sanctuaries Act (16 U.S.C. § 1433);
- d. Migratory Bird Treaty Act (16 U.S.C. § 703 et seq.);
- e. National Wildlife Refuge System Administration Act (16 U.S.C. §§ 668dd-ee); and
- f. Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. § 136 et seq.).

a. This request includes documents relating to statutes that require FWS to obtain a permit before FWS is authorized to use brodifacoum as proposed on the South Farallon Islands.

b. This request includes documents where FWS determines that a permit is not needed, or another agency or organization informs FWS that a permit is not required.

2. All documents and data relating to the above statutes as they relate to the South Farallon Islands, even if FWS ultimately concluded that a permit was not necessary.

Response

We have completed our search and continue to review records found to be responsive to your request and with this letter we are releasing 1,386 records in their entirety.

Mediation/Dispute Resolution

If after contacting us as described below, you need further information or assistance with your request, you may wish to seek dispute resolution services from the Department's FOIA Public Liaison, Natasha Alcantara by email at doifoiapublicliaison@sol.doi.gov.

If you need further information or assistance after contacting the Department's FOIA Public Liaison, you may wish to seek dispute resolution services from the Office of Government Information Services (OGIS). The 2007 FOIA amendments created the 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:

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

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.

If you have any questions about our response to your request, please contact John De Clerck by email at john_declerck@fws.gov or by mail at U.S. Fish and Wildlife Service; ATTN: FOIA Office; 5275 Leesburg Pike; MS: IRTM; Falls Church, Virginia 22041.

Sincerely,

John De Clerck
FWS FOIA Coordinator