



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



May 12, 2022

Sent by Email

Sent VIA Email: adam.kreger@friendsofanimals.org

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

REF: DOI-FWS-2022-003161

Dear Adam Kreger:

This letter acknowledges and is our first record release for your Freedom of Information Act (FOIA) request dated April 14, 2022:

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.

We currently have 2 other FOIA requests on this same topic and including your FOIA request records are also posting records in the near future to our FOIA Reading room.

Your FOIA request was received by FWS HQ FOIA on April 14, 2022 and was assigned to this office on May 9, 2022 to process and was placed in the Department of the Interior (DOI) FOIA Online Tracking System under reference number DOI-FWS-2022-003161. Please refer to this number in your communications regarding your request. You requested a fee waiver, and it has been granted. We have classified your organization for this FOIA under the other category.

Enclosed in the folder on FileShare are 300 records released in full. We are continuing to receive records from staff and reviewing them, as we release records we will upload to the same folder and will send you an updated link. At this time, I don't have an estimated date of completion as indicated above I don't have all the files and once I get them and start processing I will provide you with that estimated time in the near future.

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:

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://www.archives.gov/ogis>
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

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

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 final response. 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

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.

This is our final response and closes your referral request DOI-FWS-2022-003161. If you have any questions about our response to your request, you may contact me 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, VA 22041.

Sincerely,

John De Clerck
FWS HQ FOIA Office
Alaska, Sacramento, Portland Coordinator