Animal Welfare Institute

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VIA OVERNIGHT MAIL AND EMAIL

National Oceanic and Atmospheric Administration
Public Reference Facility (SOU1000)
1315 East-West Highway (SSMC3)
Room 9719
Silver Spring, Maryland 20910
FOIA@noaa.gov

Carrie Hyde-Michaels
FWS FOIA Officer
U.S. Fish and Wildlife Service
5275 Leesburg Pike
MS:IRTM
Falls Church, VA 22041
fwhq_foia@fws.gov

Michael Gosliner
Marine Mammal Commission
4340 East-West Highway, Room 700
Bethesda, Maryland 20814
mmc@mmc.gov

Re: Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, *et seq*., and the regulations of the Department of Commerce, 15 C.F.R., Part 4; the regulations of the Department of the Interior, 43 C.F.R., Part 2; and the regulations of the Marine Mammal Commission, 50 C.F.R., Part 520; I am writing on behalf of the Animal Welfare Institute ("AWI") to request from the National Oceanic and Atmospheric Administration ("NOAA"), the National Marine Fisheries Service ("NMFS"), the Fish and Wildlife Service ("FWS"), and the Marine Mammal Commission ("MMC"), certain documents related to the Public Display Permit that NMFS issued under the Marine Mammal Protection Act ("MMPA") for Tilikum the orca whale (Permit No. 774).

Specifically, I request all documents from each of the aforementioned agencies between January 1, 2017 and May 1, 2017 related to NMFS' March 10, 2017 determination that the necropsy/clinical history requirements of Permit No. 774 were effectively extinguished by the 1994 amendments to the MMPA.

For purposes of this FOIA request, "all documents" encompass: (i) any written, printed, or typed material of any kind, including without limitation to all correspondence, memoranda, notes, meeting minutes, emails from or to official or personal e-mail accounts, spreadsheets, reports, calendars; (ii) any electronically, magnetically, or mechanically stored records, such as materials stored on a compact disk, digital video disk, microfiche, regardless of form; (iii) any audio, visual, aural, or video records, including but not limited to photographs, videotapes, microfilm; and (iv) any other records preserved by any other means for documenting thought or expression.

In the event that the requested documents cannot be disclosed in their entirety, AWI requests that you release any material that can be reasonably segregated. Should any documents or portions thereof be withheld, AWI requests that the agency state with specificity the description of the withheld document or portions thereof, and the legal and factual grounds for doing so.

AWI requests that any fees associated with responding to this FOIA request be waived. *See* 15 C.F.R. § 4.11; 43 C.F.R. § 2.45; 50 C.F.R. § 520.7. AWI is a non-profit, charitable institution that was founded over 50 years ago and is dedicated to protecting animals from suffering caused by human action. The documents that AWI is requesting concern the terms of Public Display Permit No. 774, the agencies' interpretation of those terms, and the level of input that NMFS received from other agencies to interpret those terms. Releasing the documents covered by this request will significantly enhance the public's understanding of the necropsy and clinical history requirements of MMPA public display permits issued before 1994 and the agencies' procedures for evaluating those permits. This information will help the public determine whether additional changes to the MMPA permitting processes are needed in order to achieve the goals of the statute.

Disclosure of the requested documents will benefit a broad audience of people interested in the MMPA and public display permits. AWI is an institute with significant expertise in marine mammals and animal welfare and is well suited to convey the information learned from the documents to the public. As a non-profit organization, AWI's primary goal is to increase awareness of human mistreatment of animals and releasing the documents it obtains in response to this FOIA request will further that goal. The documents AWI is requesting are not yet publicly available and thus the release of these documents will significantly enhance the public's understanding of the public display permits at issue.

AWI does not have any commercial interest that will be furthered by releasing the requested documents.

Please contact me if you have any questions.

Sincerely,

/s/ Georgia Hancock
Georgia Hancock, Esq.
Of Counsel
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cc: Dr. Naomi Rose (via electronic mail)
Don Baur, Esq. (via electronic mail)