

U.S. Fish and Wildlife Service
Attn: FOIA Officer
MS-224, ARLSQ
1849 C St., NW
Washington, DC 20240

February 21, 2007

RE: FOIA REQUEST

To whom it may concern:

Pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended, Public Employees for Environmental Responsibility (PEER) requests information concerning the position the U.S. Fish & Wildlife Service (FWS) has taken on the subject of harassment involving swim-with interactions between manatees and humans. Specifically, we request the following:

All policy statements, correspondence or other communications between, to and from FWS personnel concerning harassment involving swim-with interactions between manatees and humans.

This request covers all records on this subject from January 1, 2004 until present and includes all documents that have ever been within your custody or control, whether they exist in agency “working,” investigative, retired, electronic mail, or other files currently or at any other time.

For any documents or portions of documents that you block release due to specific exemption(s) from the requirements of the Freedom of Information Act, please provide an index itemizing and describing the documents or portions of documents withheld. The index should, pursuant to the holding of Vaughn v. Rosen (484 F.2d 820 [D.C. Cir. 1973] cert. denied, 415 U.S. 977 [1974]), provide a detailed justification for claiming a particular exemption that explains why each such exemption applies to the document or portion of a document withheld.

PEER requests that all fees be waived because “disclosure of the information is in the public interest . . . and is not primarily in the commercial interest of the requestor” (5 U.S.C. 552 (a) (4)(A)):

1. The records concern the operations or activities of the Government.

The FOIA request is, by its terms, limited to identifiable activities of FWS and its federal and state counterparts.

2. The disclosure of the requested records is likely to contribute to public of these operations or

activities.

The requested material concerns the implementation of Endangered Species Act protections by FWS. As the thrust of our FOIA request is to document the extent, funding and efficacy of these activities, the requested documents are precisely on point of the subject matter of the request.

3. The release of requested records will contribute significantly to public understanding of the governmental activities

While it is difficult to warrant in advance to seeing it just how significant the information will be to the general public, the nature of the information should shed some direct light on the cost and effectiveness of FWS efforts to protect an iconic endangered species from direct harassment by human swimmers.

While a certain segment of the population has a keen interest in the survival of the Florida manatee, the broader public interest served by this request concerns the role that FWS plays or fails to play in implementing its key statutory responsibilities. The general public also has a keen interest in any factor bearing on the conflicts between recreational tourism and wildlife.

PEER intends to provide the requested information to the general public through —

- Release to the news media;
- Posting on the PEER web page which draws between 1,000 and 10,000 viewers per day; and
- Publication in the PEER newsletter which has a circulation of approximately 20,000, including 1,500 environmental journalists.

Through these methods, PEER generates an average of 1.5 mainstream news articles per day. Moreover, PEER has repeatedly demonstrated the ability to generate nationwide news coverage concerning activities occurring within the purview of FWS.

4. Disclosure would not serve a commercial interest of the requestor.

Disclosure is in no way connected with any commercial interest of the requestors in that PEER is a nonprofit, nonpartisan public interest organization concerned with upholding the public trust through responsible management of our nation's resources and with supporting professional integrity within public land management and pollution control agencies. To that end, PEER is designated as a tax-exempt organization under section 501 (c) (3) of the Internal Revenue code.

If you have any questions about this FOIA request, please contact me at (202) 265-PEER. I look forward to receiving the agency's final response within 20 working days.

Cordially,

Jeff Ruch
Executive Director