

April 16, 2018

BY ELECTRONIC MAIL: os_foia@ios.doi.gov

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

Re: Freedom of Information Act Request

Dear Ms. Hyde-Michaels:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and U.S. Department of the Interior (“DOI”) regulations.

Specifically, CREW requests the copies of all calendars and/or other records reflecting meetings, full schedules, and phone records, from January 2017 to the present, of:

- (1) Former Acting Director and current Deputy Director of the U.S. Fish and Wildlife Service Jim Kurth;
- (2) Deputy Director and current Principal Deputy Director of the U.S. Fish and Wildlife Service Greg Sheehan;
- (3) Deputy Director Steve Guertin; and
- (4) U.S. Fish and Wildlife Service Council Designated Federal Officer Joshua Winchell.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, as well as emails to which the subjects of this request were cc’ed or bcc’ed.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the

requested records. *See* 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. *See Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and DOI regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. *See* 5 U.S.C. § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. *See, e.g., McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

On November 14, 2017, the United States Fish and Wildlife Service (U.S. FWS) abruptly announced that it would be allowing the remains of elephants legally hunted in Zimbabwe and Zambia to be imported into the United States, a reversal of the position taken by the previous administration.¹ Three days later, President Donald Trump announced that he would be putting the “big game trophy decision on hold,” to review pertinent conservation facts.² On November 19 the President announced that he expects a decision on the ban “next week”.³ Because the U.S. FWS originally announced the reversal of this ban at a Safari Club International (hunting advocacy group) event in Tanzania, it can be reasonably expected that advocates of trophy hunting have had and will continue to have input on the decisions of the U.S. FWS concerning policy that affects their interests, especially considering the creation of an International Wildlife Conservation Council in 2018, staffed by alleged trophy hunters.⁴

The President’s sons, Donald Trump, Jr. and Eric Trump, are known trophy hunters who have in the past hunted elephants, among other animals, in Zimbabwe – one of the countries affected by any policy decision of the U.S. FWS and the President regarding trophy hunting.⁵ According to a Cable News Network source, members of the Trump family discussed a desire to change the U.S. FWS’s rules on trophy hunting; Donald Trump, Jr. purportedly made this issue a priority “early on” in the Trump campaign.⁶ It has also been reported that Donald Trump, Jr. is a

¹Rand Gibbs, [U.S. Now Allows Elephants From Zimbabwe, Zambia To Be Imported](https://www.safariclub.org/detail/news/2017/11/14/u.s.-now-allows-elephants-from-zimbabwe-zambia-to-be-imported), *Safari Club*, Nov. 14, 2017, available at <https://www.safariclub.org/detail/news/2017/11/14/u.s.-now-allows-elephants-from-zimbabwe-zambia-to-be-imported>.

² *See* <https://twitter.com/realDonaldTrump/status/931685146415255552>

³ *See* <https://twitter.com/realDonaldTrump/status/932397369655808001>

⁴ Gibbs, *Safari Club*, Nov. 14, 2017. *Associated Press*, [Trump wildlife board stuffed with trophy hunters](https://www.usatoday.com/story/news/politics/2018/03/15/trump-wildlife-board-stuffed-trophy-hunters/430376002/), *USA Today*, March 15, 2018, available at <https://www.usatoday.com/story/news/politics/2018/03/15/trump-wildlife-board-stuffed-trophy-hunters/430376002/>

⁵ John Del Signore, [Photos: Donald Trump's Sons Awesome At Killing Elephants And Other Wildlife](http://gothamist.com/2012/03/13/photos-donald-trump-sons-awesome-at-killing-elephants-and-other-wildlife), *Gothamist*, March 13, 2012, available at <http://gothamist.com/2012/03/13/photos-donald-trump-sons-awesome-at-killing-elephants-and-other-wildlife>

⁶ Miranda Green, [Trump's elephant trophy reversal comes as a surprise to administration employees, interest groups](http://www.cnn.com/2017/11/18/politics/elephant-trophy-reversal-reactions/index.html), *CNN Politics*, Nov. 19, 2017, available at <http://www.cnn.com/2017/11/18/politics/elephant-trophy-reversal-reactions/index.html>.

member of the hunting and conservation organization the Boone and Crockett Club, and participated heavily in the search for an Interior Secretary during his father's presidential transition.⁷ It has also been reported that Donald Trump, Jr. and Eric Trump maintain connections to members appointed to Secretary Ryan Zinke's International Wildlife Conservation Council.⁸

Because Donald Trump, Jr. and Eric Trump are private citizens, whose primary connection to the federal government is through their father, the public has a significant interest in learning whether and to what extent they influenced the U.S. FWS's decision making on this issue to advance their own personal interests. The requested records would also allow the public to understand how and why the U.S. FWS came to its sudden decision to reverse previous trophy hunting import bans. Because a previously submitted FOIA did not yield any results searching for direct communications with the Trump sons or their representatives, this FOIA has been submitted to cover previously un-sought records for the sake of transparency.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public").

CREW routinely and systematically disseminates information to the public in several ways. CREW's website receives tens of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. In addition, CREW posts all documents it receives under the FOIA its website, www.citizensforethics.org, and those documents have been visited hundreds of thousands of times.

⁷ Tal Kopan, *How Trump's son's passion for hunting is shaping search for Interior secretary*, *CNN Politics*, Dec. 9, 2016, available at <http://www.cnn.com/2016/12/09/politics/donald-trump-jr-siblings-hunting-interior-secretary/index.html>.

⁸ *Associated Press*, *Trump wildlife board stuffed with trophy hunters*, *USA Today*, March 15, 2018, available at <https://www.usatoday.com/story/news/politics/2018/03/15/trump-wildlife-board-stuffed-trophy-hunters/430376002/>

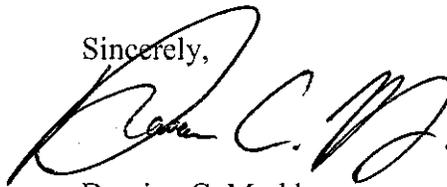
Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at (202) 408-5565 or dmarkham@citizensforethics.org. Also, if CREW's request for a fee waiver is not granted in full, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to me either at dmarkham@citizensforethics.org or at Damien Markham, Citizens for Responsibility and Ethics in Washington, 455 Massachusetts Ave., N.W. , Washington, D.C. 20001. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Damien C. Markham". The signature is stylized and cursive.

Damien C. Markham

Research Associate