

Meyer Glitzenstein & Crystal
1601 Connecticut Avenue, N.W.
Suite 700
Washington, D.C. 20009-1063

Katherine A. Meyer
Eric R. Glitzenstein
Howard M. Crystal
William S. Eubanks II
Jessica Almy

Telephone (202) 588-5206
Fax (202) 588-5049
www.meyerglitz.com

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Sent By Certified Mail

Margie Ortiz
FOIA Officer
National Park Service
1100 Ohio Drive, SW
Washington, DC 20242

FOIA Officer
Rock Creek Park
3545 Williamsburg Lane, NW
Washington, DC 20008

Re: **Freedom of Information Act Request**

Dear Agency Officials:

This is a request for records under the Freedom of Information Act (FOIA), 5 U.S.C. § 552 *et seq.*, on behalf of our clients Carol Grunewald and In Defense of Animals (IDA). Ms. Grunewald and IDA seek to obtain records concerning the recent decision by the National Park Service to kill white-tailed deer in Rock Creek Park between March 27 -30, 2013, and related matters. Specifically, they request the following records:

- a) all records pertaining to the Park Service's decision to go forward with killing deer between March 27-30, 2013, including, but not limited to, records that would reflect who made the final decision to kill deer during this time frame, and the reasons for this decision;
- b) all records pertaining to implementation of the deer reduction program that



occurred in March 2013;

- c) all records pertaining to public reaction to the killing of deer in March 2013;
- d) all records that in any way pertain to input or involvement of any official or other personnel from Montgomery County, other Maryland Counties, and the State of Maryland in the decision to kill deer in Rock Creek Park, irrespective of when the deer would be killed;
- e) all records that reflect in any way the amount of money that was spent killing deer in Rock Creek Park in March 2013, the source of such money, and the date such funds were allocated for this purpose, and all records indicating the amount of money the Park Service has spent on reducing the deer through lethal reduction, by year, to date;
- f) all records that reflect whether any of the funds intended for use for deer management activities in Rock Creek Park were in whole or part subject to the sequestration triggered as a result of the Budget Control Act of 2011, and whether funds for deer management in Fall 2013 - Spring 2014 are or will be subject to the sequestration, and, if so, how this will affect plans to kill deer during that time-frame;
- g) all records that reflect the number of deer that were killed or wounded as a result of the deer reduction that took place in March 2013, including deer wounded in an effort to escape the sharpshooters, and attempts to track and treat wounded deer;
- h) all records that reflect or pertain to why the Park Service announced that it intended to kill approximately 120 deer over four nights, and records that reflect or pertain to the fact that it only killed approximately 20 deer during one night;
- i) all records concerning whether any of the deer killed in March 2013 were pregnant, or fawns;
- j) all records reflecting what was done with the bodies of the deer killed during March 2013, and all photographs, video, or audio recordings of Park Service activities related in any way to the killing or wounding of deer in March 2013;
- k) all records reflecting whether the Park Service offered any of the deer killed during March 2013 to food banks or other charities, and if so, whether these offers were accepted or rejected;
- l) all records that relate to the Park Service's plans for continuing its deer reduction program in the Fall 2013 - Spring 2014;

- m) all records that reflect contacts from any sport-hunting group, Congressional representative, or other politician concerning the shooting of deer in 2013;
- n) all records that show what if any actions the Park Service has taken in response to its 2004 Draft Invasive Exotic Plant Management Plan, including, but not limited to (1) records indicating whether that Draft has ever been finalized, (2) activities that the Park Service has undertaken to remove invasive plant species from Rock Creek Park, and (3) records indicating the amount of money the Park Service has spent on all such activities;
- o) all records concerning whether climate change is contributing to the invasive exotic species problem in Rock Creek Park; and
- p) all records reflecting the Park Service's efforts to educate the public about the problem of invasive plant species spreading from home and office landscaping into the Park, and ways to reduce this problem, and records reflecting the amount of money the Park Service had spent on such public education, by year, to date.

Our clients request a public interest fee waiver for the cost of processing this request, pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), on the grounds that disclosure of the requested information is "in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." Our clients have no commercial interest in the requested information – they seek the information solely for the purpose of shedding more light on the basis upon which the Park Service decided to go forward with killing deer this year, and whether this approach to protecting the native vegetation in this national park is the most prudent and effective use of agency time and taxpayer money, particularly in light of the critical problem with invasive species in this Park that is a much more serious problem than the native deer population.

This matter has generated significant public interest not only in the Washington, D.C. area, but also across the nation, given that Rock Creek Park is in our nation's capital and this is the first time in the history of the Park that the federal government has permitted the killing of native wildlife there. There have been numerous articles, op-ed pieces, and letters to the editor published about this issue in The Washington Post and other publications. Our clients are uniquely situated to ensure that the requested information is disseminated to the public in a way that will contribute to the public's further understanding of this issue – they have set up a Facebook page for this purpose, that, to date, has been visited by well over 500 people: <https://www.facebook.com/SaveTheRockCreekParkDeer>; and they have been contacted by hundreds of people interested in this issue, via twitter: <https://twitter.com/rockcreekdeer>

Please let us know if you need any additional information to process this request – otherwise, we will assume it will be processed as required by the statute, including pursuant to the deadlines that apply to FOIA responses. We have copied Superintendent Morrison on this request to facilitate the identification of many of the requested information. Because the

underlying issue is also subject to on-going litigation, we have also copied Ms. Imaki of the Justice Department, who represented the Park Service in the district court proceedings.

To be clear, we do not need any records that were already included in the Administrative Record in *Grunewald et al. v. Jarvis*, Civ. No. 12-01730 (D.D.C.). Accordingly, please exclude any such records from the scope of otherwise responsive records.

Thank you for your assistance.

Sincerely,


Katherine A. Meyer

Cc: Tara Morrison, Superintendent
Rock Creek Park

Caitlin Imaki (by email)