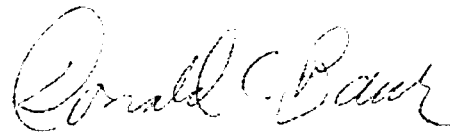


Exhibit 1

transmittal email from Sheri Pais, Perkins Coie, to NOAA (foia@noaa.gov), dated December 4, 2017.

4. Attached as Attachment C is a true and correct copy of an email from Sheri Pais, Perkins Coie, to NOAA (foia@noaa.gov), regarding “AWI Freedom of Information Act Request Follow Up Letter,” dated December 22, 2017, and attaching the December 4, 2017 follow up letter.

Executed within the United States this 8th day of January, 2018

A handwritten signature in cursive script, appearing to read "Donald C. Baur".

Donald C. Baur

Attachment A

From: [Georgia Hancock](#)
To: FOIA@noaa.gov; fwhq.foia@fws.gov; mmc@mmc.gov
Cc: [Baur, Don \(WDC\)](#); [Naomi Rose](#)
Subject: AWI FOIA to NOAA, FWS, MMC 9-29-2017
Attachments: [NOAA NMFS FWS MMC FOIA 9.29.17.pdf](#)

On behalf of the Animal Welfare Institute, please see the attached FOIA request.

Very truly yours,

Georgia Hancock
Of Counsel
georgia@awionline.org
mobile: 607-329-8638
Animal Welfare Institute
Visit us at awionline.org



Animal Welfare Institute

903 Pennsylvania Avenue, SE, Washington, DC 20003
awionline.org phone: (202) 337-2333 fax: (202) 446-2131

September 29, 2017

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).

September 29, 2017

Page 2

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.

September 29, 2017
Page 3

Sincerely,

/s/ Georgia Hancock
Georgia Hancock, Esq.
Of Counsel
Animal Welfare Institute
georgia@awionline.org
mobile: 607-329-8638

cc: Dr. Naomi Rose (via electronic mail)
Don Baur, Esq. (via electronic mail)

Attachment B

From: Pais, Sheri (WDC)
To: ["FOIA@noaa.gov"](mailto:FOIA@noaa.gov)
Cc: [Georgia Hancock \(georgia@awionline.org\)](mailto:georgia@awionline.org); [Naomi Rose \(naomi@awionline.org\)](mailto:naomi@awionline.org); [Baur, Don \(Perkins Coie\)](#)
Subject: AWI Freedom of Information Act Request Follow Up Letter
Date: Monday, December 04, 2017 8:38:00 AM
Attachments: [2017.12.04 AWI Letter to NOAA NMFS re Sept 29 2017 FOIA Request.pdf](#)

NOAA FOIA Officer –

Attached please find the Dec. 4 letter from the Animal Welfare Institute (AWI) pertaining to its September 29, 2017 FOIA Request.

Thank you,

Sheri Pais

Sheri Pais | Perkins Coie LLP

SENIOR PARALEGAL
700 Thirteenth Street, N.W. Suite 600
Washington, DC 20005-3960
D. +1.202.654.1735
F. +1.202.654.6211
E. SPais@perkinscoie.com



Animal Welfare Institute

900 Pennsylvania Avenue, SE, Washington, DC 20003
awionline.org phone (202) 337-2332 fax (202) 446-2131

December 4, 2017

VIA OVERNIGHT MAIL AND EMAIL

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

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 the Interior, 43 C.F.R., Part 2, I am writing on behalf of the Animal Welfare Institute ("AWI") to follow up with regard to the September 29, 2017 request submitted to the Fish and Wildlife Service ("FWS") pertaining to certain documents related to the Public Display Permit that NMFS issued under the Marine Mammal Protection Act ("MMPA") for the male orca Tilikum (Permit No. 774).

AWI requested 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.

While AWI received an acknowledgment of its request from headquarters on the submittal date of September 29, to date AWI has not received a formal acknowledgment from the Division of Management Authority (DMA), the division to which the request was forwarded for processing, nor has AWI received a response to its FOIA request. AWI should not need to remind the agency of its obligation to respond to AWI's FOIA request within twenty work days. As the agency has allowed that time period to elapse, AWI is prepared to exercise the legal options available to it under FOIA if we do not receive a complete response to our request by December 15, 2017.

Please contact me if you have any questions.

December 4, 2017

Page 2

Sincerely,

/s/ Georgia Hancock

Georgia Hancock, Esq.

Of Counsel

Animal Welfare Institute

georgia@awionline.org

mobile: 607-329-8638

cc: Dr. Naomi Rose (via electronic mail)
Don Baur, Esq. (via electronic mail)

Attachment C

From: Pais, Sheri (WDC)
To: ["foia@noaa.gov"](mailto:foia@noaa.gov)
Bcc: [Baur, Don \(Perkins Coie\)](#)
Subject: FW: AWI Freedom of Information Act Request Follow Up Letter
Date: Friday, December 22, 2017 11:06:00 AM
Attachments: [2017.12.04 AWI Letter to NOAA NMFS re Sept 29 2017 FOIA Request.pdf](#)

Good morning—

Please confirm receipt.

Thank you.

Sheri Pais | Perkins Coie LLP

SENIOR PARALEGAL
700 Thirteenth Street, N.W. Suite 600
Washington, DC 20005-3960
D. +1.202.654.1735
F. +1.202.654.6211
E. SPais@perkinscoie.com

From: Pais, Sheri (WDC)
Sent: Monday, December 04, 2017 8:39 AM
To: 'FOIA@noaa.gov'
Cc: Georgia Hancock (georgia@awionline.org); Naomi Rose (naomi@awionline.org); Baur, Don (Perkins Coie)
Subject: AWI Freedom of Information Act Request Follow Up Letter

NOAA FOIA Officer –

Attached please find the Dec. 4 letter from the Animal Welfare Institute (AWI) pertaining to its September 29, 2017 FOIA Request.

Thank you,

Sheri Pais

Sheri Pais | Perkins Coie LLP

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Animal Welfare Institute

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awionline.org phone (202) 337-2332 fax (202) 446-2131

December 4, 2017

VIA OVERNIGHT MAIL AND EMAIL

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

Re: Freedom of Information Act Request

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Please contact me if you have any questions.

December 4, 2017

Page 2

Sincerely,

/s/ Georgia Hancock

Georgia Hancock, Esq.

Of Counsel

Animal Welfare Institute

georgia@awionline.org

mobile: 607-329-8638

cc: Dr. Naomi Rose (via electronic mail)
Don Baur, Esq. (via electronic mail)