



August 2, 2018

The Honorable Rep. Rob Bishop
Chairman
House Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

The Honorable Raúl Grijalva,
Ranking Member
House Committee on Natural Resources
1329 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Bishop, Ranking Member Grijalva,

On June 27, 2018 the Center for Biological Diversity (the “Center”) sent a letter providing information regarding our work on the Okinawa dugong in response to a request for information from Rep. Rob Bishop and Rep. Bruce Westerman that we received on June 20, 2018. Following the receipt of that letter, majority staff members from the Committee on Natural Resources contacted Center staff by phone and email seeking additional information. However, in the interest of accurate and transparent communication, we are instead writing to you today regarding the Committee’s request and our longstanding conservation work to protect the Okinawa dugong.

With respect to your June 20, 2018 letter, we would like to provide additional information to help you understand our obligations under U.S. law. It is the Center’s policy that Center staff shall not engage in any activity that would trigger the requirements of FARA, and that the Center’s activities shall not serve predominantly any foreign interest. In its Okinawa dugong conservation efforts, the Center has not engaged with any foreign entities predominantly for the purpose of formulating, adopting, or changing domestic or foreign environmental or natural resources policies or laws of the United States. Rather, we are engaged with our named co-plaintiffs in *Center for Biological Diversity v. Mattis* and their official representatives for the purpose of enforcing existing law—namely the requirements of the National Historic Preservation Act—to protect and conserve the Okinawa dugong. Our co-litigants in this case are the Japan Environmental Lawyers Foundation, the Save the Dugong Foundation, Anna Shimabukuro, Takuma Higashionna, and Yoshikazu Makishi.

Our co-plaintiffs in *Center for Biological Diversity v. Mattis* are not the Center’s clients, nor does the Center represent them in any capacity. The Center and our co-plaintiffs are represented in this case by Earthjustice. Because the Center has a deep and longstanding interest in protecting the Okinawa dugong from being driven extinct, the Center agreed to pay all litigation costs for this case to ensure the case would proceed, as we always anticipated that this case would take many years to achieve success.

Center staff have traveled to Okinawa several times as part of our efforts to protect the Okinawa dugong. For example, in 2004, the Tenth International Coral Reef Symposium was held in Naha, Okinawa. The venue of this international scientific meeting was chosen in part because of the outstanding coral reef ecosystems of Okinawa, and this meeting in of itself demonstrates the incredible conservation importance of Okinawa’s marine ecosystems. Center staff participated in this international conference and traveled around Okinawa to learn more about the challenges facing the conservation of the dugong.

In addition, as your original letter notes, Center staff traveled to Okinawa in 2017 as part of the *Center for Biological Diversity v. Mattis* litigation to gather information in pursuit of the Center’s goal of enforcing existing U.S. law to conserve Okinawa dugongs. Center staff also traveled to Okinawa in 2003 and 2006 in connection with this litigation. Furthermore, Center staff will continue to travel to Okinawa—just as Center staff will continue to travel to other international destinations where we have ongoing efforts to conserve endangered species—to keep apprised of current on-the-ground conditions and maintain our interests in these conservation efforts.

The Center believes that off-the-record communications between your staff and the Center do not serve the public interest because those conversations are not transparent and have the potential for misrepresentation. Therefore, the Center formally requests that you hold a public hearing to discuss the conservation of the Okinawa dugong before all members of your Committee at a time of your convenience. We would be more than happy to appear before the Committee to help explain our conservation efforts in Okinawa and to assist the Committee by answering its questions in an open forum.

While we have previously noted that your Committee clearly does not have jurisdiction over implementation and enforcement of the Foreign Agents Registration Act, we would still be willing to discuss this issue with the full Committee in a public setting. Nonetheless, we continue to believe that such matters would be best addressed through the Committee of Judiciary, which has necessary expertise and experience regarding the complexities of the FARA to conduct meaningful oversight of this issue.

Sincerely,



Kieran Suckling
Executive Director
Center for Biological Diversity

Cc:

The Honorable Bob Goodlatte
Chairman
House Committee on the Judiciary
2138 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Jerrold Nadler
Ranking Member
House Committee on the Judiciary
2035 Rayburn House Office Building
Washington, D.C. 20515