United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

IN REPLY REFER TO:
FWS/R6/ES

MAILING ADDRESS:
P.O. BOX 25486, DFC
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

Mr. L. Michael Bogert, Attorney at Law
800 West Main St. Ste. 1300
Boise, Idaho 83702
REF: FWS-2016-00309

JAN 09 2018

Dear Mr. Bogert:

This letter is in regard to your Freedom of Information Act (FOIA) request dated December 31, 2015 for records related to:

1. Any and all records, including but not limited to, reports, memoranda, emails, notes, letters, documentation, correspondence and other communication pertaining to the "not warranted" listing determination by the United States Fish & Wildlife Service for the Greater Sage-grouse under the Endangered Species Act, see 80 Federal Register 59,858 (Oct. 2, 2015), or records concerning the agency's planning or other decisions made for consideration by the Service in the "not warranted" listing decision, for the period January 1, 2014 to the present.

2. Any and all FOIA requests (and responses by the Federal agency- to such FOIA requests, if any) from other parties for records, including but not limited to, reports, memoranda, emails, notes, letters, documentation, correspondence and other communication pertaining to the "not warranted" listing determination by the United State Fish & Wildlife Service for the Greater Sage-grouse under the Endangered Species Act see 80 Federal Register 59,858 (Oct. 2, 2015), or records concerning the agency's planning or other decisions made for consideration by the Service in the "not warranted" listing decision, for the period January 1, 2014 to the present.

On May 19, 2016 we sent you a partial response. In that response, we stated that additional documents that may be responsive to your request were being reviewed. Enclosed you will find a CD containing one hundred and ten (110) additional documents responsive to your request, which are being released to you in their entirety. As described in our letter to you dated September 8, 2016 we are continuing to review other potentially responsive records for release and anticipate providing additional partial responses to you every Tuesday until our FOIA response is complete.

You may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal **no later than 90 workdays** from the date of this letter. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe the Fish and Wildlife Service's (Service) response is in error. You must also include with your appeal copies of all correspondence between you and the Service concerning your FOIA request, including your original FOIA request and the Service's response. Failure to include with your appeal all correspondence between you and the Service will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of yourappeal.

DOI FOIA/Privacy Act Appeals Office Contact Information

Department of the Interior
Office of the Solicitor 1849 C Street, N.W.
MS-6556 MIB
Washington, DC 20240

Attn: FOIA/Privacy Act Appeals Office

Telephone: (202) 208-5339
Fax: (202) 208-6677
Email: FOIA.Appeals@sol.doi.gov

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road- OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: https://ogis.archives.gov
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You also may seek dispute resolution services from our FOIA Public Liaison, Carrie Hyde- Michaels; Chief, Branch of FOIA, Records, Privacy; 703-358-2291.

If you have any questions, you may contact me by phone at 303-236-4218, by email at jennifer sturdivant@fws.gov, or by mail at 134 Union Blvd, Lakewood, Colorado 80228.

Sincerely,

Jennifer K. Sturdivant
Greater Sage-grouse FOIA Manager