



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



October 6, 2020

Via email: jimmytobias@protonmail.com

Jimmy Tobias
411A Highland Ave MR91572
Somerville, MA 02144

REF: FWS-2020-00506, FWS-2020-00516, and FWS-2020-00633

Dear Mr. Tobias:

This letter is in regard to your Freedom of Information Act (FOIA) requests dated March 4, 2020, April 29, 2020, and May 6, 2020, and assigned tracking numbers FWS-2020-00506 (Catherine Phillips), FWS-2020-00516 (Leonard "Leo" Miranda), and FWS-2020-00633 (Michael Oetker). You requested records from the previously mentioned individuals with the following search terms: "ECPO", "ECMSHCP", "Collier", "Spilker", "Hunton", and panther".

We are writing to partially respond to your request. We have enclosed one (1) Adobe PDF consisting of 299 pages, which is being released to you in part. We are continuing to review additional records that are responsive to your request. portions of the enclosed materials are being withheld in part under FOIA Exemption 5 which allows an agency to withhold "inter-agency or intra-agency memorandums or letters which would not be available by law to a party... in litigation with the agency." 5 U.S.C. § 552(b)(5). Exemption 5 therefore incorporates the privileges that protect materials from discovery in litigation, including the deliberative process, attorney work-product, attorney-client, and commercial information privileges. We are withholding 202 pages in part under Exemption 5 because they qualify to be withheld under the following privilege:

Commercial Information Privilege

The information withheld under this privilege consists of an internal email address for the Service Director/Secretary of the Interior, and active conference call telephone numbers and links to video conferences. Release of internal account information could upend a high level employee's account and harm the government's ability to exchange information. As such, the release of such information could result in disruption of service attacks, which can cause a loss in productivity if devices and/or networks become crippled.

Information related to conference lines and video links could be used to conduct conference calls by parties outside the government or used to call in to monitor internal government

conversations. We are withholding it because disclosure to the public would chill communications between federal employees and harm the government's ability to exchange information. When the government enters the marketplace as an ordinary commercial buyer or seller, the government's information is protected under the commercial information privilege if it is sensitive information not otherwise available, and disclosure would significantly harm the government's monetary functions or commercial interests. The theory behind the privilege is that the government may be placed at a competitive disadvantage or the consummation of a contract may be endangered if confidential information generated by the government is disclosed.

Stacey Cummins, FWS FOIA Coordinator, is responsible for this partial denial. The following category of preapproved withholdings were the subject of consultation with the Office of the Solicitor's Division of General Law and the Departmental FOIA Office: Exemption 5 (Commercial Information Privilege).

Because this is an interim response to your request, we will provide notice of your appeal rights in our final response letter.

If you have any questions about our response, you may contact me by phone at 303-236-4473, or by email at stacey_cummins@fws.gov.

Sincerely,

Stacey Cummins
FOIA Coordinator

Enclosure