

**From:** [sheri\\_s\\_williams@fws.gov](mailto:sheri_s_williams@fws.gov)  
**To:** [Jeff Ruch](#); [Stacey Cummins](#)  
**Subject:** FWS-2017-00413: FREEDOM OF INFORMATION ACT REQUEST  
**Date:** Tuesday, February 07, 2017 9:04:49 AM

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Dear Mr. Ruch,

The United States Fish and Wildlife Service (FWS) Headquarters FOIA Office received your request on February 6, 2017. We have assigned it tracking number FWS-2017-00413. Please refer to this number in communications regarding your request.

We have forwarded your request to the FWS Region 6 office for processing. If you have any questions or concerns; please contact Stacey Cummins at 303-236-4325 or [fw6\\_foia@fws.gov](mailto:fw6_foia@fws.gov)

Respectfully,

United States Fish and Wildlife Service  
Headquarters Freedom of Information Act Office  
MS: IRTM  
5275 Leesburg Pike  
Falls Church, VA 22041

----- Forwarded message -----

**From:** **Jeff Ruch** <[jruch@peer.org](mailto:jruch@peer.org)>  
**Date:** Mon, Feb 6, 2017 at 9:40 AM  
**Subject:** FREEDOM OF INFORMATION ACT REQUEST  
**To:** "[fwhq\\_foia@fws.gov](mailto:fwhq_foia@fws.gov)" <[fwhq\\_foia@fws.gov](mailto:fwhq_foia@fws.gov)>

VIA U.S.MAIL, FAX & EMAIL

February 6, 2017

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](mailto:fwhq_foia@fws.gov)

Dear Ms. Hyde-Michaels:

On January 18, 2017, the Fish and Wildlife Service (FWS) filed a Federal Register notice [FWS–R6–R–2016–N221; FXRS1261060000-178- FF06R00000] announcing its intent to prepare a Comprehensive Conservation Plan (CCP) for the National Bison Range. That notice further stated that the “preferred” alternative for this CCP would be legislation transferring this refuge to a local tribe.

Pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended, Public Employees for Environmental Responsibility (PEER) requests information regarding the preparation of this Federal Register notice. Specifically, we request the following:

1. All communications or records of communications, including but not limited to emails, letters, and notes or reports of telephone conversations and meetings, between officers and employees of the FWS or the Department of Interior concerning the development and the decision to issue this Federal Register notice.
2. Any communications between FWS or Interior officials and members of the public, members of Congress or staff to members of Congress or congressional committees, and members or officers or representatives of the Confederated Salish and Kootenai Tribes (CSKT), which concern or reference any proposal, or any proposed legislation, to transfer the National Bison Range. This item is limited to materials generated on or after August 1, 2016.
3. Any analysis, comments, memoranda, or other writings concerning any proposal, or any proposed legislation, to transfer the National Bison Range to be held in trust by the United States for the benefit of the CSKT generated on or after August 1, 2016.
4. All documents concerning staffing plans for the National Bison Range for FY 2017 and 2018, including any analyses of planning Bison range staff levels relative to those of other comparable refuges or other refuges in that region. This item is limited to materials generated on or after December 1, 2015.

For any documents or portions of documents that you block release due to specific exemption(s) from the requirements of the Freedom of Information Act, please provide an index itemizing and describing the documents or portions of documents withheld. The index should, pursuant to the holding of *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), provide a detailed justification for claiming a particular exemption that explains why each such exemption applies to the document or portion of a document withheld.

PEER requests that all fees be waived because “disclosure of the information is in the public interest . . . and is not primarily in the commercial interest of the requestor” (5 U.S.C. 552 (a) (4)(A)):

1. The records concern the operations or activities of the Government.

The FOIA request is, by its terms, limited to identifiable activities of the Department of the Interior and the FWS.

2. The disclosure of the requested records is likely to contribute to public understanding of these operations or activities.

The requested material concerns the management of public National Wildlife Refuge Land, specifically the National Bison Range and the means by which a decision was made to formulate its future management plan through a transfer of this significant refuge to an Indian Tribe.

The documents requested seek details the process of formulating and considering an official plan to advocate legislation to transfer the National Bison Range to be held in trust by the United States for the benefit of the CSKT. As such, the requested documents are the most pertinent and explanatory of this particular action.

3. The release of these requested records will contribute significantly to public understanding of the governmental activities.

The information requested should shed direct light on the manner in which decisions were made concerning the future management of the National Bison Range.

While a certain segment of the population has an interest in the National Bison Range in particular, the broader public has a keen interest in being assured that activities taking place on their National Wildlife Refuges, and the management of those Refuges, are carried out in the optimum manner to protect the resources of the National Wildlife Refuge System.

Moreover, the transfer of a refuge to a tribe is an unprecedented action which, not surprisingly, has attracted widespread public and media interest.

In addition, since another 18 refuges in 8 states, constituting 80% of the entire National Wildlife Refuge System, are potentially eligible for similar transfers to tribes, as are 57 National Parks in 19 states, including parks such as Redwood, Glacier, Voyageurs, Olympic and the Cape Cod National Seashore, the public interest in these documents extends far beyond the National Bison Range.

PEER intends to provide the requested information to the general public through —

- Release to the news media;
- Posting on the PEER web page which draws between 1,000 and 10,000 viewers per day; and
- Publication in PEER's newsletter that has a circulation of approximately 20,000, including 1,500 environmental journalists.

Through these methods, PEER generates an average of 1.5 mainstream news articles per day. Moreover, PEER has repeatedly demonstrated the ability to generate nationwide news coverage concerning activities occurring within the FWS as well as on the National Bison Range.

4. Disclosure would not serve a commercial interest of the requestor.

Disclosure is in no way connected with any commercial interest of the requestors in that PEER is a nonprofit, nonpartisan public interest organization concerned with upholding the public trust through responsible management of our nation's resources and with supporting professional integrity within public land management and pollution control agencies. To that end, PEER is designated as a tax-exempt organization under section 501 (c) (3) of the Internal Revenue code.

If you have any questions about this FOIA request, please contact me at (202) 265-PEER. I look forward to receiving the agencies final response within 20 working days.

Cordially,

Jeff Ruch

Executive Director

Public Employees for Environmental Responsibility (PEER)

962 Wayne Avenue; Suite 610

Silver Spring, MD 20910

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