



**Public Employees for Environmental Responsibility**

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October 20, 2017

Stacey Cummins  
FOIA Coordinator  
U.S. Fish and Wildlife Service, Region 6  
P.O. Box 25486  
Denver Federal Center  
Denver, CO 80225  
[fw6\\_foia@fws.gov](mailto:fw6_foia@fws.gov)

**RE: FREEDOM OF INFORMATION ACT (FOIA) REQUEST  
VIA U.S. MAIL & EMAIL**

Dear Ms. Cummins:

Pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended, Public Employees for Environmental Responsibility (PEER) requests documents related to communications with the Confederated Salish and Kootenai Tribes (CSKT). Specifically, we request the following:

All documents, correspondence and communications, or notes reflecting or discussing communications:

Between any employee or officer of Region 6 of the Fish and Wildlife Service and any person representing, or acting or speaking on behalf of the CSKT, between March 1, 2017 and the present.

This request includes all documents that have ever been within your custody or control, whether they exist in agency “working,” investigative, retired, electronic mail, or other files currently or at any other time.

In a January 21, 2009 memo, President Barack Obama declared the following policy for the Executive Branch:

“The Freedom of Information Act should be administered with a clear presumption: In the face of doubt, openness prevails. The Government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears. Nondisclosure should never be based on an effort to protect the personal interests of Government officials at the expense of those they are supposed to serve... All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles



embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA.”

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 USFWS concerning relationships or communications with an Indian Tribe.

*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 the Fish and Wildlife Service in relation to relationships and communications with the CSKT. The CSKT has been actively involved with the Fish and Wildlife Service, in particular concerning annual funding agreements for the National Bison Range Complex and a possible transfer of the National Bison Range to the Tribe. Therefore, communications between the CSKT and the FWS are of great public interest.

*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 relationship between the CSKT and Region 6 of the FWS, and how it may have affected policies and actions of the FWS.

While a certain segment of the population has an interest in these communications in particular, the broader public has a keen interest in being assured that relationships between tribal representatives and FWS staff are appropriate and serve the interests of the Service and the American people.

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

- 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 USFWS as well as the evolution of a succession of failed AFA agreements 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 (7337). I look forward to receiving the agencies final response within 20 working days.

Cordially,



Paula Dinerstein  
Senior Counsel