



# United States Department of the Interior



IN REPLY REFER TO:  
FWS/R6/BA/FOIA

## FISH AND WILDLIFE SERVICE Mountain-Prairie Region

MAILING ADDRESS:                      STREET LOCATION:  
Post Office Box 25486                      134 Union Boulevard  
Denver Federal Center                      Lakewood, Colorado 80228-1807  
Denver, Colorado 80225-0486

September 20, 2018

Via email: [reilly.patrickf@gmail.com](mailto:reilly.patrickf@gmail.com)

Patrick Reilly  
500 S. Higgins Ave.  
Missoula, MT 59801

REF: FWS-2018-01099

Dear Mr. Reilly:

This letter is in regard to your Freedom of Information Act (FOIA) request August 7, 2018 for the following *“Any and all emails, and all attachments, that Bernardo Garza and/or Vanessa Fields sent or received between May 15, 2017 and January 29, 2018 containing the term “National Bison Range” and any of the following terms: “CCP;” “comprehensive conservation plan;” “conservation plan;” “work plan;” “settlement;” “secretarial order;” “3355.”*

We are enclosing two-hundred forty (240) pages responsive to your request, which are being released to you in their entirety. We are still reviewing approximately 4,281 pages as potentially responsive to your request. Of these:

- Approximately eight-hundred seventy (870) pages are under review for withholding under Exemption 5. Exemption 5 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); see *Nat’l Labor Relations Bd. v. Sears Roebuck & Co.*, 421 U.S. 132, 149 (1975). 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 reviewing the 870 pages for withholding in part or in full under Exemption 5 because the documents qualify to be withheld under the deliberative process and attorney-client privileges.
- Approximately twenty-two (22) pages will require review for withholding under Exemption 6 because they contain personal home addresses and phone numbers of private individuals.

Once our review is complete, we will provide you with our final response.

You may appeal this partial 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 Service's 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 your appeal.

*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](mailto: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](mailto: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 FOIA. *See* [5 U.S.C. 552\(c\)](#). This response is limited to those records that are subject to the requirements of 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 303-236-4473, by email at [fw6\\_foia@fws.gov](mailto:fw6_foia@fws.gov), or by mail at 134 Union Blvd, Lakewood, Colorado 80228.

Sincerely,

Stacey Cummins  
US Fish and Wildlife Service  
Region 6 FOIA Coordinator

Enclosure