



United States Department of the Interior



FISH AND WILDLIFE SERVICE

911 NE 11th Avenue
Portland, Oregon 97232-4181

In Reply Refer to:
ABA-CGS-FOIA
FWS-2018-00329

January 2, 2020

Sent by Email

Matthew Bishop
Western Environmental Law Center
103 Reeder's Alley
Helena, MT 59601

REF: FWS-2018-00329

Dear Mr. Bishop:

This is our final letter in regard to your Freedom of Information Act (FOIA) request dated January 3, 2018 for “*any and all documents and information pertaining to the U.S. Fish and Wildlife Service’s (Service’s) final Species Status Assessment (SSA) for Canada lynx referenced in the Service’s January 1, 2018 status report filed in Friends of the Wild Swan v. Ashe, Civ. No. 13-cv-57-DWM (D. Mont. 2014)(Doc. 53).*” Specifically, you are requesting the following:

- 1. All documents and information related to the Service’s preparation of a final “Species Status Assessment” (SSA) for lynx. This includes, but is not limited to, all inter-agency and intra-agency communications (including correspondence with state wildlife agencies) including letters, emails, phone records, phone logs, meeting notes, memos, white papers, policy papers, and any other documents or information (and drafts of such documents and information) related to the final SSA for lynx.*
- 2. A list of all members of the Service’s lynx SSA Framework Implementation Team (which, according to the Service, oversaw development and completion of the SSA), lynx SSA Core Team (which drafted the SSA and associated documents), and the Service’s “Species Assessment Team” as well as any and all documents and information related to the formation and makeup of the two teams.*

Response

We are enclosing a DVD containing 147 documents (2,626 pages) responsive to your request, which are being released to you in their entirety. 2 records (319 pages) are being withheld under exemption 5, Attorney Client.

Exemption Related

The attorney-client privilege protects confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional advice and is not limited to the context of litigation. Moreover, although it fundamentally applies to confidential

facts divulged by a client to his/her attorney, this privilege also encompasses any opinions given by an attorney to his/her client based upon, and thus reflecting, those facts, as well as communications between attorneys that reflect confidential client-supplied information.

Kate Williams-Shuck, Attorney-Advisor, in the Office of the Solicitor was consulted and approved the withholding of these documents.

Mediation Services

You may seek dispute resolution services from our FOIA Public Liaison, Cathy Willis, Acting FWS FOIA Officer, 720-425-5173.

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 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.

Appeal Rights

You may also 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

Conclusion

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.

If you have any questions on your FOIA request, please contact me at john_declerck@fws.gov or by telephone at 503-231-2072.

Sincerely,

John De Clerck
U.S. Fish and Wildlife Service
Headquarter FOIA Coordinator