

From: sheri_s_williams@fws.gov
To: wildrockies@gmail.com
Cc: [FW6 FOIA](#)
Subject: New Request: Fwd: FOIA request (Garrity)
Date: Wednesday, January 17, 2018 12:32:49 PM

Dear Michael Garrity,

The United States Fish and Wildlife Service (FWS) Headquarters FOIA Office received your request dated January 11, 2018. We have forwarded your request to our Region 6 Office for processing. You will receive a formal acknowledgement shortly.

If you have any questions regarding your FOIA request; please contact fw6_foia@fws.gov or 303-236-4473.

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: Michael Garrity <wildrockies@gmail.com>
Date: Thu, Jan 11, 2018 at 5:31 PM
Subject: FOIA request
To: fwhq_foia@fws.gov

January 11, 2018

U.S. Fish and Wildlife Service
[1849 C St NW](#)
[Washington, DC 20240](#)

RE: FOIA request for project file for all work done on the lynx recovery plan since May 8, 2014.

Dear Freedom of Information Officer:

Pursuant to the federal Freedom of Information Act (5 U.S.C. 552 et. seq.), the Alliance the Wild Rockies, Inc. is filing this request for information. The Alliance for the Wild Rockies is a 501(c) (3) non-profit, public interest, public education organization.

I would like an electronic copy of project file for all work done on the lynx recovery plan since May 8, 2014, including all agency correspondence and communications regarding the lynx recovery plan.



To my knowledge, this information is not available from any other federal, state, or public agency required to provide it. In addition, the release of this information will not result in financial benefit to the Alliance for the Wild Rockies or any individuals, groups or

organizations.

As you know, the Freedom of Information Act (FOIA) provides that if portions of a document are exempt from release, the remainder must be segregated and disclosed. We expect to receive all non-exempt portions of the documents that we have requested, and ask that you justify any deletions by reference to specific exemptions allowed under the FOI Act. The Alliance for the Wild Rockies reserves the right to appeal a decision to withhold any materials.

I hereby request a fee waiver for all search and duplication fees under the FOIA regulations [5 U.S.C. Sec. 552 (a) (4) (A) and 36 CFR 2.19(c) (1)]. The information requested will benefit the citizens of the United States and is for the purpose of public education and to encourage public debate on important policy issues. The requested information will be made available to the public through the Alliance for the Wild Rockies' central office. Information available through the Alliances office is used in our social media, press conferences and releases, television and radio interviews, and regional and national publications, and reaches a significant number of individuals nationwide.

The language of the FOIA clearly indicates that Congress intended fees not to be a barrier to private individuals or public interest organizations seeking access to government records. In addition, the legislative history of the FOIA fee waiver language indicates that Congress intended a liberal interpretation of the phrase "Primarily benefiting the public." This suggests that all fees are to be waived whenever the release of information contributes to public debate on important policy issues. This has recently been affirmed by the US Court of Appeals for the District of Columbia, in *Better Government Association v. Department of State*, 780 F. 2d 86 (D.C. Cir., 1986). In that case, the Court found that under the FOIA, Congress had explicitly recognized the need for non-profit organizations to have free access to government documents and those government agencies cannot impair this free access by charging duplication or search for FOIA information requests (Id. at 89).

I appreciate your help. Thank you for your time.

Sincerely,

Mike Garrity
Executive Director
Alliance for the Wild Rockies
P.O. Box 505
Helena, MT 59624
[406 459-5936](tel:4064595936)

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5275 Leesburg Pike
Falls Church, VA 22041