

Bureau of Land Management



Wyoming State Office

Log Number: WY-2007-035
Date of Request: 04/03/2007
Date Received: 04/05/2007

Dear Mr. Short:

This will acknowledge receipt of your Freedom of Information Act request for documents concerning information on the Wyoming pocket gopher. Your request is being evaluated as expeditiously as possible and we estimate that you may expect a letter from the responsible Field Office in the next several days. Requests are processed on a first-in, first-out basis. The actual processing time will depend on the complexity of your request. If you have questions, please call us at (307) 775-6180.

4/10/2007

FOIA Officer, Mark P. Archer

FROM: Bureau of Land Management
P.O. Box 1828
Cheyenne, WY 82003

Place your stamp here

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\$00.290

04/10/2007

Mailed From 82009

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US OFFICIAL MAIL
\$300 Penalty
For Private Use

recpost

Duane Short
Biodiversity Conservation Alliance
P O Box 1512
Laramie, WY 82073





United States Department of the Interior

FISH AND WILDLIFE SERVICE

P.O. Box 1306
Albuquerque, New Mexico 87103
<http://ifw2es.fws.gov>

MAR 30 2007

In Reply Refer To:
R2/ES-TE
FOIA #2007-00452
(Wyoming pocket gopher)

Mr. Duane Short
Biodiversity Conservation Alliance
P.O. Box 1512
Laramie, Wyoming 82073

Dear Mr. Short:

This letter is in response to your Freedom of Information Act request of March 1, 2007. Specifically, you requested the following materials:

Any and all U.S. Fish and Wildlife Service records, reference materials, and communications pertaining to the Wyoming pocket gopher (*Thomomys clusius*). This specific FOIA request includes but is not limited to:

1. intra-agency and inter-agency scientific documents and communications involving *T. clusius*
2. intra-agency and inter-agency procedural/administrative documents and communications involving *T. clusius*
3. maps, tables, charts, references and bibliographies involving *T. clusius*
4. commercially supplied scientific data involving *T. clusius*
5. if applicable, directives involving *T. clusius* received by USFWS officials from higher authorities outside the Service
6. if applicable, directives involving *T. clusius* received by USFWS officials from higher authorities throughout the chain of US FS&WS command
7. all communications involving economic and/or political concerns related to *T. clusius*

We have no documents responsive to your request.

You may appeal the adequacy of our search to the Assistant Secretary of Policy, Management, and Budget, under the provisions of 43 CFR 2.28 at:

Ms. Darrell Strayhorn
U. S. Department of the Interior
Office of the Solicitor
1849 C Street, NW, MS 6556
Washington, D.C. 20240

Mr. Duane Short

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Your appeal must be received within 30 days (Saturdays, Sundays, and legal holidays excepted) after the date of this letter. Copies of your original request and this response must accompany your letter, with the legend "FREEDOM OF INFORMATION APPEAL." To ensure the expeditious processing and full consideration of your appeal, please include a brief statement setting forth the basis for your belief that this decision is in error.

If you have any questions concerning this response, please contact the Ecological Services FOIA Coordinator, Ms. Melanie Ikenson, at 505-248-6284, or Ms. Theresa Olecksiew, at 505-248-6477.

Sincerely,


ACTING Regional Director

Mr. Duane Short

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cc: Regional FOIA Officer, Region 2, Albuquerque, NM
Melanie Ikenson, ES FOIA Coordinator, Region 2, Albuquerque, NM



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Wyoming State Office

P.O. Box 1828

Cheyenne, Wyoming 82003-1828

In Reply Refer To:

1278 (957)

WY-2007-035

APR 19 2007

Duane Short
Biodiversity Conservation Alliance
P O Box 1512
Laramie, WY 82073

Dear Mr. Short:

We are writing this letter in response to your Freedom of Information Act (FOIA) request dated April 03, 2007 and received in this office on April 05, 2007. In your letter, written on behalf of The Biodiversity Conservation Alliance, you ask for the following documentation:

Any and all BLM records, reference materials, and communications pertaining to the Wyoming pocket gopher (*Thomomys clusius*).

We have thoroughly searched our records in relation to your request. We have not found any records responsive to your request; therefore, we must deny your request for no records. All of the research pertaining to the Wyoming Pocket Gopher was accomplished either solely by the University of Wyoming or by the Forest Service in concert with the University. My suggestion would be to contact the appropriate department at the University of Wyoming for a copy of the information you seek.

To the extent that you believe our response is a denial of your FOIA request you have the right to file an appeal by writing to:

The Freedom of Information Act Appeals Officer,
U.S. Department of the Interior,
1849 C Street, N. W.,
MS~5312, MIB,
Washington, D.C. 20240.

Your appeal must be received no later than 30 workdays after the date of this letter. Both the envelope and the letter should be marked "FREEDOM OF INFORMATION APPEAL." A copy of your original request and this letter should accompany your appeal, along with any information you have which leads you to believe the records do exist, including where they might be found, if the location is known to you. To ensure

the timely receipt of your appeal, we recommend that you fax a copy of your notice of appeal to the FOIA Appeals Officer at (202) 208-6677.

There is no fee for responding to your request, as the cost is less than the \$30 threshold established by the Department of the Interior for fee collection under the FOIA regulations at 43 CFR § 2.18(a).

If you have any questions please do not hesitate to contact Mark P. Archer, State FOIA Officer, (307) 775-6180.

Sincerely,



for Robert A. Bennett
State Director



File Code: 6270-1

FOIA R4 2220-07

Date: APR 06 2007

Duane Short
Wild Species Program Director
Biodiversity Conservation Alliance
P.O. Box 1512
Laramie, WY 82073

Dear Mr. Short:

This is to acknowledge our receipt of your April 3, Freedom of Information Act (FOIA) request addressed to Dianne Ritschard from Region 2 of the Forest Service. Since a portion of Idaho and the Bridger-Teton National Forest reside within the boundaries of Region 4, they referred your request to us on April 5 to perform a search for responsive records. You requested "any and all USFS records, reference materials, and communications pertaining to the Wyoming pocket gopher (*Thomomys clusius*)". Specifically, you requested the following:

1. "intra-agency and inter-agency scientific documents and communications involving *T. clusius*."
2. intra-agency and inter-agency procedural/administrative documents and communications involving *T. clusius*.
3. maps, tables, charts, references and bibliographies involving *T. clusius*.
4. commercially supplied scientific data involving *T. clusius*.
5. if applicable, directives involving *T. clusius* received by USFS officials from higher authorities outside the Service
6. if applicable, directives involving *T. clusius* received by USFS officials from higher authorities throughout the chain of USFS command
7. all communications involving economic and/or political concerns related to *T. clusius*."

2220-07 per Rochelle Jelaco

The control number that has been assigned to your request is ~~2200-07~~. Your FOIA request is among the numerous other requests we receive. Please be assured that every attempt will be made to respond to your request within 20 working days (excluding weekends and holidays) from our receipt of your request.

To check on the status of your request, contact our Regional FOIA/Privacy Act (PA) Liaison, Rochelle Jelaco, at 801/625-5354. Please identify your request by the assigned control number.

Sincerely,


JACK G. TROYER
Regional Forester





United States
Department of
Agriculture

Forest
Service

Rocky
Mountain
Region

P.O. Box 25127
Lakewood, CO 80225-0127
Delivery: 740 Simms Street
Golden, CO 80401
Voice: 303-275-5350
TDD: 303-275-5367

File Code: 6270-1
(R02-2007-054)
Date: April 12, 2007

Mr. Duane Short
Wild Species Program Director
Biodiversity Conservation Alliance
P.O. Box 1512
Laramie, WY 82073

Dear Mr. Short:

This letter responds to the Freedom of Information Act (FOIA) request you sent electronically to the Medicine Bow – Routt National Forests and the Thunder Basin National Grasslands (Med Bow – Routt) dated April 3, 2007 was received on April 4, 2007.

You have requested all USFS records, reference materials, and communications pertaining to the Wyoming pocket gopher (*Thomomys clusius*). The Medicine Bow – Routt is in the process of searching their files for responsive documents. They have shared the request with the Regional Office (RO) to determine whether the regional specialists have any responsive documents.

A joint response from the Med Bow – Routt and the RO will be sent directly to you by the Regional Office. If you have any questions regarding the search being conducted in Region 2, please contact Marge Gallegos, the Regional FOAI/PA Coordinator at (303) 275-5149 or at margegallegos@fs.fed.us and refer to Regional Office FOIA tracking number R02-2007-053.

It has been determined that forests in Region Four may also have documents responsive to this request. A copy of your request was provided to Region Four on April 5, 2007. A response to their search will be sent directly to you from the Regional FOIA/PA Coordinator for Region 4, Rochelle Jelaco.

Sincerely,

/s/ Sharon T. Friedman
SHARON T. FRIEDMAN
Director, Strategic Planning

cc: Diann C Ritschard, Rochelle Jelaco, Marge Gallegos





File Code: 6270-1-1

FOIA R4 2220-07

Date: MAY 2 2007

Duane Short
Wild Species Program Director
Biodiversity Conservation Alliance
P.O. Box 1512
Laramie, WY 82073

Dear Mr. Short:

This is our final response your April 3, Freedom of Information Act (FOIA) request addressed to Dianne Ritschard from Region 2 of the Forest Service. Since a portion of Idaho and the Bridger-Teton National Forest reside within the boundaries of Region 4, they referred your request to us on April 5 to perform a search for responsive records. You requested "any and all USFS records, reference materials, and communications pertaining to the Wyoming pocket gopher (*Thomomys clusius*)". Specifically, you requested the following:

1. "intra-agency and inter-agency scientific documents and communications involving *T. clusius*."
2. intra-agency and inter-agency procedural/administrative documents and communications involving *T. clusius*.
3. maps, tables, charts, references and bibliographies involving *T. clusius*.
4. commercially supplied scientific data involving *T. clusius*.
5. if applicable, directives involving *T. clusius* received by USFS officials from higher authorities outside the Service
6. if applicable, directives involving *T. clusius* received by USFS officials from higher authorities throughout the chain of USFS command
7. all communications involving economic and/or political concerns related to *T. clusius*."

A search was conducted on seven Forests in Region 4 and in the Regional office. It was determined that there are no records responsive to your request. Therefore, we are providing you with a no records response.

The FOIA provides you the right to appeal our decision. If you choose to exercise that right, your appeal must be made in writing to the Chief, USDA Forest Service, Mail Stop 1143; 1400 Independence Avenue, SW; Washington, DC 20250-1143 and be received by the agency within 45 days of the date of this letter. The term "FOIA APPEAL" should be placed in capital letters on the front of the envelope or on the subject line of an email to www.wo-foia@fs.fed.us.



If you have questions concerning this response or the FOIA process, your request, you may contact our Regional FOIA/PA Officer, Rochelle Jelaco, at 801/625-5354. Please identify your request by the assigned control number 2220-07.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack G. Troyer". The signature is fluid and cursive, with the first name "Jack" being the most prominent.

For JACK G. TROYER
Regional Forester



United States
Department of
Agriculture

Forest
Service

Rocky
Mountain
Region

P.O. Box 25127
Lakewood, CO 80225-0127
Delivery: 740 Simms Street
Golden, CO 80401
Voice: 303-275-5350
TDD: 303-275-5367

File Code: 6270-1/6270-1-1
(R02-2007-053)
Date: May 2, 2007

Duane Short
Wild Species Program Director
Biodiversity Conservation Alliance
P.O. Box 1512
Laramie, WY 82073

Dear Mr. Short:

This letter is in response to your Freedom of Information Act (FOIA) request dated April 3, 2007. This request was forwarded to the Regional Office on April 4, 2007, by the Medicine Bow -- Routt National Forests and the Thunder Basin National Grassland (MBRNF). This request has been assigned Regional Office FOIA tracking numbers R02-2007-053.

You requested copies of any and all USFS records, reference materials, and communications pertaining to the Wyoming Pocket Gopher (*Thomomys clusius*). You request all of the documents in possession of the MBRNF and throughout the Forest Service.

In order to fully respond to this FOIA request, it was determined that Region 4 may have documents responsive to this request. The response from Region 4 will be sent directly to you by their FOIA Coordinator. This letter is the response for the MBRNF and the Regional Office.

The Regional Office is providing three CDs and three web site addresses containing documents responsive to this request. One of the documents on the CD labeled documents from RO and MBRNF has three pages that are being withheld. These pages are being withheld as deliberative in nature under FOIA Exemption 5.

<http://www.fs.fed.us/r2/projects/scp/evalrationale/evaluations/mammals/wyomingpocketgopher.pdf>;
<http://www.fs.fed.us/r2/projects/scp/evalrationale/index.shtml>
<http://www.fs.fed.us/r2/projects/scp/assessments/wypomingpocketgopher.pdf>

Fourteen documents totaling 116 pages are being withheld in full under FOIA Exemption 5 as deliberative. Exemption 5 of the FOIA provides for protection of "inter-agency or intra-agency memorandums, letters and internal communication which would not be available by law to a partying in litigation with the agency." 5 U.S.C. 552(b)(5). The most commonly invoked privilege incorporated within Exemption 5 is the deliberative process privilege. This privilege protects the decision-making processes of Government agencies, and protects advisory opinions, recommendations, and deliberations. The very process by which a "draft" evolves into a "final" document can constitute a deliberative process warranting protection. The Exemption 5 coverage may apply to a draft document regardless of whether it differs from the final version.



Exemption 5 includes within its parameters the deliberative process privilege, the general purpose of which is to “prevent injury to the quality of agency decisions.” This privilege protects the decision-making processes of Government agencies, and protects “advisory opinions, recommendations, and deliberations comprising part of a process by which governmental decisions and policies are formulated.” Specifically, three policy purposes consistently have been held to constitute the basis for this privilege: (1) to encourage open, frank discussions on matters of policy between subordinates and supervisors; (2) to protect against premature disclosure of proposed policies before they are finally adopted; and (3) to protect against public confusion that might result from disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency action. There are two fundamental requirements, both of which must be met in order for the deliberative process privilege to be invoked. First, the communication must be pre-decisional. Second, the communication must be deliberative, i.e., a direct part of the deliberative process in that it makes recommendations or expresses opinions on legal or policy matters. The information withheld pursuant to Exemption 5 meets both prongs of this privilege.

Based upon the information you provided in response to your request for fee waiver has meet the six factors in the Fee Waiver Criteria, therefore, there are no costs associated with this request.

Under FOIA you do have the right to appeal the decision to withhold documents or portions of documents that are being withheld. Any appeal must be in writing to the Chief, USDA, Forest Service, Mail Stop 1143, 1400 Independence Avenue, S.W., Washington, D.C. 20250-1143, and must be received by the agency within 45 days of the date of this letter. The term “FOIA APPEAL” should be placed in capital letters on the front of the envelope or on the subject line of an email to www.wo_foia@fs.fed.us.

Sincerely,

/s/ Steve Sherwood (for)
RICK D. CABLES
Regional Forester

cc: Diann C Ritschard
Marge Gallegos