



United States Department of the Interior



FISH AND WILDLIFE SERVICE Mountain-Prairie Region

IN REPLY REFER TO:
FWS/R6/FOIA

MAILING ADDRESS:
Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

October 2, 2019

Via email: tucci@advocateswest.org

Todd C. Tucci
ADVOCATES FOR THE WEST
P.O. Box 1612
Boise, ID 83701

REF: FWS-2019-00744

Dear Mr. Tucci

This letter is in regard to your Freedom of Information Act (FOIA) request dated May 10, 2019 for “*All records, correspondence, communications, reports, memos, press releases, and analysis relating to the following documents:*”

1. *“The Northern Corridor and/or Washington Parkway. This includes but is not limited to records relating to —*
 - a. *Utah Department of Transportation (UDOT)-BLM Memorandum of Understanding negotiations and revisions;*
 - b. *the approval or denial of right-of-way (ROW) applications, and any appeals of those decisions;*
 - c. *consultations with other agencies, such as section 7 consultation; and*
 - d. *the establishment of a BLM expense account to track ROW work expenses;*
2. *The UDOT/Dixie Metropolitan Planning Organization’s (Dixie MPO) transportation planning/modeling. This includes but is not limited to —*
 - a. *the transportation planning/modeling software (or reference to id and version) used in any analyses of projected future traffic that the proposed Northern Corridor is intended to relieve;*
 - b. *the identification and description of—*
 - i. *all modeled scenarios related to—*
 1. *the proposed Northern Corridor;*
 2. *potential alternative Northern Corridor routes inside and*

- outside the Red Cliffs National Conservation Area (NCA);*
- and*
- 3. *any consideration of new and/or modified roads outside the Red Cliffs NCA intended to relieve the perceived traffic congestion that would allegedly be relieved by the proposed Northern Corridor;*
- ii. *including—*
 - 1. *the datasets associated with each modeled scenario;*
 - 2. *a description of the conditions, assumptions, constraints, and other criteria under which each modeled scenario was run; and*
 - 3. *the results of all the modelled scenarios*
- c. *a description of the criteria and weighting factors used to evaluate each scenario; and*
- d. *the analysis results for each scenario and their scores under those criteria.*
- 3. *Any issues, concerns, comments, and/or proposed revisions/amendments regarding—*
 - a. *the Travel Management Plan;*
 - b. *the Washington County Habitat Conservation Plan (HCP);*
 - c. *the Red Cliffs Desert Reserve and BLM Red Cliffs NCA;*
 - d. *the Red Cliffs NCA Plan;*
 - e. *the St. George Field Office Dixie Resource Management Plan; and*
 - f. *the Northern Corridor/Washington Parkway.*
- 4. *Any and all environmental reviews, analyses or documents prepared under the National Environmental Policy Act (NEPA), including, but not limited to, any and all environmental assessment or categorical exclusion (CE) examining, assessing, or reviewing in any manner whatsoever the proposed Northern Corridor and/or Washington Parkway/Washington Parkway Extension.*
- 5. *The proposed Zone 6 addition to the Red Cliffs Desert Reserve and its utility regarding habitat mitigation, including—*
 - a. *survey records of Zone 6's tortoise population and how it compares to the tortoise population of the proposed Northern Corridor routes;*
 - b. *what environmental protections currently apply to federal and state-owned land within Zone 6;*
 - c. *how habitat mitigation credits would be generated and used;*
 - d. *whether and how the county would provide additional funding for managing Zone 6; and*
 - e. *whether existing or future expanded recreational uses would be allowed, or restricted, and how that process would occur.*
- 6. *Any analysis or decisions considering including the BLM portion of the proposed Zone 6 in the original Red Cliffs Desert Reserve or NCA.*
- 7. *SITLA lands in the proposed Zone 6, including but not limited to—*
 - a. *meeting minutes/communications regarding the Sept. 2017 follow up meeting to the “Storming and Norming” meeting of May 2017;*
 - b. *any expressions of interest, proposals, options, or offers to buy or develop the SITLA land;*

2. *Any issues, concerns, comments, MOUs, and/or proposed revisions/amendments regarding—*
 - a. *the Travel Management Plan;*
 - b. *the Washington County Habitat Conservation Plan (HCP);*
 - c. *the Red Cliffs NCA Plan;*
 - d. *the St. George Field Office Dixie Resource Management Plan; and*
3. *The proposed Zone 6 addition to the Red Cliffs Desert Reserve and its utility regarding habitat mitigation, including—*
 - a. *survey records of Zone 6's tortoise population and how it compares to the tortoise population of the proposed Northern Corridor routes;*
 - b. *what environmental protections currently apply to federal and state-owned land within Zone 6;*
 - c. *how habitat mitigation credits would be generated and used;*
 - d. *whether and how the county would provide additional funding for managing Zone 6; and*
 - e. *whether existing or future expanded recreational uses would be allowed, or restricted, and how that process would occur.*
4. *Communications with Jacobs Engineering and SWCA consultants, including those communications themselves, that are related to any of the requested record categories, including any drafts and/or final scope of work, contract, and conflict of interest disclaimers.*

In a teleconference on June 18, 2019, your amended request was clarified, and you agreed we could provide you documents related to the Washington Parkway first, and then provide documents related to the Northern Corridor. As such, we are enclosing one (1) Adobe PDF consisting of two-hundred forty-three (243) pages, which are being released to you in their entirety. We are still searching for and reviewing documents responsive to your request. Once that review is complete, we will send you our final response.

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.

You may also appeal the delay of this 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

Mr. Todd C. Tucci, FWS-2019-00744

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If you have any questions, you may contact me by phone at 303-236-4473, by email at fw6_foia@fws.gov, or by mail at 134 Union Blvd, Lakewood, Colorado 80228.

Sincerely,

Stacey Cummins
Region 6 FOIA Coordinator