



United States Department of the Interior

FISH AND WILDLIFE SERVICE

5275 Leesburg Pike, MS: IRTM
Falls Church, VA 22041



IN REPLY REFER TO:
DOI-FWS-2022-000580

December 30, 2021

Via email: main@buddfalen.com

Brandon Jensen
Budd Falen Law Offices, LLC.
P.O. Box 346
Cheyenne, WY 82003

Subject: First Interim Release and Response to DOI-FWS-2022-000580

Dear Mr. Jensen,

The U.S. Fish and Wildlife Service (FWS) Freedom of Information Act (FOIA) office received your FOIA request, dated November 5, 2021 and assigned it control number DOI-FWS-2022-000580. Please cite this number in any future communications with our office regarding your request.

You requested the following:

“Pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, on behalf of Logan County Kansas Board of County Commissioners, this letter requests that you transmit to my office all documents, letters, correspondence, electronic mail correspondence, telephone notes, maps, Federal Register notices and all other documentation in any file regarding the Smoky Hill Safe Harbor Agreement (SHA) for the Black-footed Ferret. This information includes but is not limited to the following:

- 1) The written determinations from FWS that document the net conservation benefits from management actions at each site included in the Smoky Hill SHA;*
- 2) Confirmation of title and split estate inquiries that assess if the varying land interests could impair wildlife management within the SHA;*
- 3) Copies of the Monitoring Plan and Federal Register notifications that assure that each ESA Section 10(a)(1)(A) under the Smoky Hill Safe*

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Harbor Agreement meets the standards and requirements of the 1999 Final SHA policy;

- 4) Demonstration that FWS has completed the Federally required NEPA determinations, including Federal Register notifications confirming that FWS has reported any significant economic, social, historical, and/or cultural impacts, and provided the public with the opportunity for input on the issuance of permits under Smoky Hill Safe Harbor Agreement;*

- 5) *Copies of each site-specific Reintroduction Plan, including cadastral maps depicting the location of the Conservation Zones, Management Zones, property boundaries, and a description of each management activity to be undertaken or prohibited for that parcel;*
- 6) *Copies of all Fish and Wildlife Service policies, Solicitor Opinions and/or Department of Interior Memoranda that regulate or limit access to the information requested in Numbers 1 through 5 above.”*

Response

We are writing to partially respond to your request. We have enclosed one-hundred-twenty-five (125) PDF records consisting of 2,069 pages, forty-eight (48) JPG records, twenty-six (26) Shape File records, and one (1) Excel record which are being released to you in their entirety. A zip file of the records may be accessed via FireShare at <https://fileshare.fws.gov/?linkid=KZi4zr6VWWXn2flNuwItkl4ynb+IoLHm8YDODS6ncAGbVD1eGvndug>. We are continuing to review additional records that are responsive to your request.

Because this is an interim response, we will provide you our appeal rights in our final response.

Per the FOIA Officer, a discretionary fee waiver is granted based on your client's position.

This is a first release response to your request, DOI-FWS-2022-000580. If you have any questions about our response to your request, you may contact me by e-mail at patrick_jacobs@fws.gov.

Sincerely,

Patrick Jacobs
FWS FOIA Coordinator