



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

January 11, 2022

Via email: main@buddfalen.com

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

Subject: Response to DOI-FWS-2022-000580

Dear Mr. Jensen,

The United States Fish and Wildlife Service (FWS) Freedom of Information Act (FOIA) Office received your request dated November 5, 2021 and assigned it tracking 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 respond to your request on behalf of the United States Fish and Wildlife Service.

We have completed our search and review of responsive records and enclosed twenty-seven (27) Adobe PDF records consisting of eight-hundred-ten (810) pages, four (4) JPG records, one (1) Shape File record, one (1) Excel record, and one (1) Notepad record which are being released to you in their entirety. A zip file of the records may be accessed via FileShare at <https://fileshare.fws.gov/?linkid=KZi4zr6VWWUAVjskYeEakoDfnOMjv/4J8YDODS6ncAGbVD1ee9vq5g>

Mediation/Dispute Resolution

If after contacting us as described below, you need further information or assistance with your request, you may wish to seek dispute resolution services from the Department's FOIA Public Liaison, Natasha Alcantara by email at doifoiapublicliaison@sol.doi.gov.

If you need further information or assistance after contacting the Department's FOIA Public Liaison, you may wish to seek dispute resolution services from the Office of Government Information Services (OGIS).

The 2007 FOIA amendments created the 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://www.archives.gov/ogis>
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.

Appeal Rights

You may appeal 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 final response. 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 this response is in error. You must also include with your appeal copies of all correspondence between you and FWS concerning your FOIA request, including your original FOIA request and this response.

Failure to include with your appeal all correspondence between you and FWS 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.

This is the final 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