



BLACKFEET NATION

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P.O. BOX 850 BROWNING, MONTANA 59417
Telephone (406) 338-7521 Fax: (406) 338-7530

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PATRICK D. ARMSTRONG, JR. - SECRETARY
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October 5, 2023

Matt Hogen, Regional Director
Mountain-Prairies Region
U.S. Fish & Wildlife Service
134 Union Blvd, Suite 400
Lakewood, CO 80228

Dear Director Hogen:

Pursuant to 5 U.S.C. § 552, Freedom of Information Act (FOIA), the Blackfeet Nation hereby requests copies of any and all information in possession of the U.S. Fish & Wildlife Service (FWS) regarding the Grant of Easement for Wildlife Habitat Conservation within the exterior boundaries of the Blackfeet Reservation dated February 9, 2017 and accepted March 3, 2017 by FWS, more particularly described below.

Said easement encumbers lands within the boundaries of the Blackfeet Nation and is currently applicable to land owned in fee by GRIZZLY RIDGE BISON RANCH LLC. This FOIA request is focused on a wildlife exclusion fence installed on the perimeter and internally on said property and the compatibility of said fence set forth in Exhibit C(3) of said easement. To wit:

Maintaining, repairing and/or replacing existing agricultural buildings and structures, including but not limited to corrals, fences, hay sheds, loafing sheds, barns, or other non-residential buildings, and water facilities including but not limited to headgates, weirs, pipelines, irrigation ditches, reservoirs or wells, that support agricultural uses of the property and other uses permitted herein; and with prior written approval by the Grantee, construction and/or development of new agricultural buildings, structures, water facilities, and reservoirs; provided that any maintenance, repair, replacement, construction or development activities do not create barriers that inhibit the movement or migration of wildlife or cause long-term impairment to the wetlands or wildlife habitat on lands depicted on Exhibit A.

Specifically, pursuant to FOIA, and based on the above described easement and wildlife exclusion fence, the following documentation is requested:

1. A signed and dated copy of the FWS letter authorizing construction of said fence.
2. Any and all communications concerning a request to build said fence. This request includes, but is not limited to: all maps and material depicting where the fence was proposed to be installed, fence installation schedule, biological reports/opinions concerning the anticipated impact on conservation values including, but not limited to, the movement of wildlife within and across the property. The intent is to determine what information FWS was provided/considered prior to fence authorization and adherence by FWS to 603 FW 2 2.12A(8).
3. A signed and dated copy of the compatibility determination concerning said fence.
4. Compatibility determination supporting documents, including but not limited to:
 - a. Any and all communications and deliberations thereto.
 - b. Any and all biological opinions and studies thereto.
 - c. Any and all communications/studies concerning the identification of wildlife migration routes and wildlife seasonal use areas.
 - d. Any and all communications concerning the anticipated impact on wildlife migration routes and wildlife seasonal use areas.
 - e. Any and all notices of public comment and responses thereto per 603 FW 2 2.12A(9).
5. Given that the Blackfeet Nation is the political entity responsible for wildlife management on the Blackfeet Reservation and has decades of wildlife information available, please provide any and all communications with the Blackfeet Nation concerning said fence including but not limited to how the Blackfeet Nation participated in the compatibility decision. Reference 603 FW 2 2.11E.
6. Any and all communications concerning when fence installation would and did commence.
7. Any and all communications pertaining to how FWS and fee owner intended to monitor said fence and its impact on the conservation values of the property.
8. Any and all communications between FWS and MT Fish Wildlife and Parks concerning said fence.
9. Maps depicting where said fence is installed to date.
10. Maps depicting where additional fence is planned.
11. Maps depicting where said fence has been modified to facilitate wildlife movement.
12. Maps depicting where additional fence modifications will be installed to facilitate wildlife movement.
13. Any and all biological opinions related to any current or proposed fence modifications to facilitate wildlife movement.
14. The monitoring plan for the property at issue.
15. All monitoring reports dating from the inception of the conservation easement at issue.
16. All non-compliance reports and/or actions dating from the inception of the conservation easement at issue.
17. All actual or considered enforcement actions dating from the inception of the conservation easement at issue.

18. Jim Lange and Ben Gilles of the FWS Benton Lake office when questioned on the incompatibility of said fence with antelope stated on several occasions that there are no antelope in the area. Provide any and all communications or biological studies regarding this claim made by Mr. Lande and Mr. Giles.
19. Provide a copy of the initial baseline study that documents the condition of the property and improvements at the time the easement was activated.

Please mail me a hard copy of the responsive records to P.O. Box 850, Browning, Montana 59417. Also please email electronic copies of responsive records pursuant to this FOIA request to the following emails addresses: gcobell@blackfeetnation.com; bkittson@blackfeetnation.com; dkline@blackfeetnation.com

Thank you for your prompt attention to this matter, which is of utmost importance to the Blackfeet Tribal Business Council.

Sincerely,



Scott Kipp, Chairman
Blackfeet Tribal Business Council

cc:

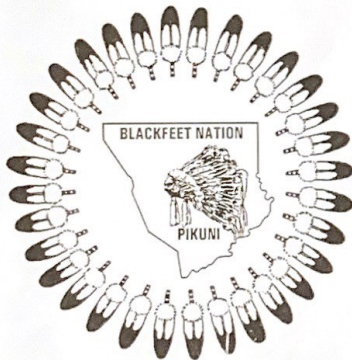
Martha Williams, Director – USFWS

Jon Tester

Gerald Cobell, Director – Blackfeet Fish & Wildlife Dept.

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Mountain-Prairies Region
U.S. Fish & Wildlife Service
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Lakewood, CO 80228



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