



United States Department of the Interior
FISH AND WILDLIFE SERVICE

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



In Reply Refer To:
DOI-FWS-2021-003567

March 29, 2022

Ann Brown
Center for Biological Diversity
P.O. Box 11374
Portland, Oregon 97211

Dear Ms. Brown:

The U.S. Fish and Wildlife Service Headquarters Freedom of Information Act (FOIA) Office received your FOIA request dated April 13, 2021, and assigned it control number DOI-FWS-2021-003567. Please cite this number in any future communications with our office regarding your request. You requested the following from January 1, 2017, to the date FWS conducts this search:

- All records generated in connection with consultation(s) pursuant to Section 7 of the Environmental Policy Act1 (“ESA”) (either formal or informal); and
- All records mentioning, including, and/or referencing the Eastern black rail (*Laterallus jamaicensis jamaicensis*).

Response

We are writing to partially respond to your request. Enclosed is one binder containing one-hundred sixty-three (163) pages which are being released to you in full.

We have located forty (40) records that primarily concern the Federal Energy Regulatory Commission (FERC), a Federal Government agency that is also subject to FOIA. For these records, FERC will issue a response directly to you. You do not have to contact FERC at this time, but should you need to do so in the future, you may do so at:

Toyia Johnson
FOIA/CEII Public Liaison, Office of External Affairs
888 First Street, NE
Washington, DC 20426
United States
Telephone: (202) 502-6088
Fax: (202) 208-2106
Email: foia-ceii@ferc.gov

We have located other materials that will not be referred to another bureau/agency and we will continue to process those materials.

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: (877) 684-6448

Please note that using the Department's FOIA Public Liaison or OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

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.

We are continuing to review additional records that are responsive to your request. We plan to provide our next and final release on or before April 27, 2022. If you have any questions about our response to your request, you may contact me by email at tiffany_joseph@fws.gov, or by mail at U.S. Fish and Wildlife Service; ATTN: FOIA Office; 5275 Leesburg Pike; MS: IRTM; Falls Church, VA 22041.

Sincerely,

For Cathy Willis
FWS FOIA Officer