

Due Date: N/A Clock Days: 0 (Never Started)

Requester Information

Requester	Doug Peacock	Tracking Number	DOI-FWS-2022-001303
Organization	Save the Yellowstone Grizzly	Submitted Date	12/23/2021
Requester Has Account	No	Received Date	12/23/2021
Email Address	dougpeacock@ savetheyellows tonegrizzly.org	Perfected Date	
Phone Number	4068484986	Last Assigned Date	12/23/2021
Fax Number		Assigned To	United States Fish and Wildlife Service
Address	PO Box 2242	Last Assigned By	
City	Livingston	Request Track	Simple
State/Province	MT	Fee Limit	\$0.00
Zip Code/Postal Code	59047		

Request Handling

Requester Info Available to the Public	No	Request Type	FOIA
Request Track	Simple	Request Perfected	No
Fee Category		Perfected Date	
Fee Waiver Requested	No	Acknowledgement Sent Date	
Fee Waiver Status	Pending	Unusual Circumstances	No
Expedited Processing Requested	No	Litigation	No
Expedited Processing Status	Pending	Court Docket Number	
		5 Day Notifications?	No

Description

Long Description

Save the Yellowstone Grizzly requests the following information and records:

1. any electronic communications, records of phone calls, or other correspondence between the United States Fish and Wildlife Service (“USFWS”) and the Montana Department of Fish, Wildlife and Parks (“FWP”) and/or the United States Forest Service (“USFS”) concerning the grizzly bear killed near Baker’s Hole Campground (“Grizzly Bear 449”) on April 16, 2021; 2. any documents including notes, reports, communications, or meeting minutes discussing Grizzly Bear 449, the incident in which Carl Mock was attacked on April 15, 2021, the decision to kill Grizzly Bear 449, or subsequent investigations into the events surrounding the bear attack on Mock on April 15, 2021 or the killing of Grizzly Bear 449 on April 16, 2021; 3. From April 15, 2021 to the date USFWS conducts this search, any and all records generated in connection with any application from FWP, USFS, or any other person or agency for an Incidental Take Permit (“ITP”) for Grizzly Bear 449, which was killed near Baker’s Hole Campground near West Yellowstone, Montana; 4. any electronic communications, records of phone calls, or other correspondence between the USFWS and FWP concerning the grizzly bear that was relocated from the Whitetail Golf Course north of Stevensville, Montana on October 27, 2018 to the Northern Continental Divide Ecosystem; 5. any documents including notes, reports, communications, or meeting minutes, including but not limited to those between the USFWS and FWP, related to the decision to relocate the grizzly bear captured on the Whitetail Golf Course north of Stevensville, Montana on October 27, 2018 to the Northern Continental Divide Ecosystem; 6. any electronic communications, records of phone calls, or other correspondence between the USFWS and FWP concerning the grizzly bear that FWP killed on or about May 26, 2021 near Dupuyer, Montana; 7. any documents including notes, reports, communications, or meeting minutes, including but not limited to those between the USFWS and FWP, concerning the grizzly bear that FWP killed on or about May 26, 2021 near Dupuyer Montana; 8. any electronic communications, records of phone calls, or other correspondence between the USFWS and FWP concerning the grizzly bear that FWP killed on or about May 12, 2021 in the Big Snowy Mountains south of Lewistown, Montana; 9. any documents including notes, reports, communications, or meeting minutes, including but not limited to those between the USFWS and FWP, concerning the grizzly bear that FWP killed on or about May 12, 2021 in the Big Snowy Mountains south of Lewistown, Montana; 10. any electronic communications, records of phone calls, or other correspondence between the USFWS and FWP concerning a grizzly bear that was found dead in late November or early December, 2021 near Emigrant, Montana. 11. any documents including notes, reports, communications, or meeting minutes, including but not limited to those between the USFWS and FWP, concerning the grizzly bear that was found dead in late November or early December, 2021 near Emigrant, Montana.

Has Description Been Modified

Yes

Long Description Modified

Description Available to the Public

No

Short Description

Additional Information

Relevant park or refuge or site or other location N/A

Attached Supporting Files

Attachments Available to the
Public?
No

Attached File Name	Size (MB)	File Type
FOIA Request confirmation #303046.pdf	0.0071	Adobe PDF Document

Appeals

Tracking Number	Appeal Date	Appellant	Phase	Notification
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No appeals have been created.

Consultations

Tracking Number	Consulted Agency	Created By	Consultation Date	Due Date	Phase
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No consultations have been created.

Correspondence to Requester

Subject	From	To	Date
FOIA Request DOI-FWS-2022-001303 Submitted	System	Doug Peacock	12/23/2021

This message is to confirm your request submission to the FOIAonline application: [View Request](#). Request information is as follows:

- Tracking Number: DOI-FWS-2022-001303
- Requester Name: Doug Peacock
- Date Submitted: 12/23/2021
- Request Status: Submitted
- Description: Save the Yellowstone Grizzly requests the following information and records:
 1. any electronic communications, records of phone calls, or other correspondence between the United States Fish and Wildlife Service (“USFWS”) and the Montana Department of Fish, Wildlife and Parks (“FWP”) and/or the United States Forest Service (“USFS”) concerning the grizzly bear killed near Baker’s Hole Campground (“Grizzly Bear 449”) on April 16, 2021;
 2. any documents including notes, reports, communications, or meeting minutes discussing Grizzly Bear 449, the incident in which Carl Mock was attacked on April 15, 2021, the decision to kill Grizzly Bear 449, or subsequent investigations into the events surrounding the bear attack on Mock on April 15, 2021 or the killing of Grizzly Bear 449 on April 16, 2021;
 3. From April 15, 2021 to the date USFWS conducts this search, any and all records generated in connection with any application from FWP, USFS, or any other person or agency for an Incidental Take Permit (“ITP”) for Grizzly Bear 449, which was killed near Baker’s Hole Campground near West

Yellowstone, Montana;

4. any electronic communications, records of phone calls, or other correspondence between the USFWS and FWP concerning the grizzly bear that was relocated from the Whitetail Golf Course north of Stevensville, Montana on October 27, 2018 to the Northern Continental Divide Ecosystem;

5. any documents including notes, reports, communications, or meeting minutes, including but not limited to those between the USFWS and FWP, related to the decision to relocate the grizzly bear captured on the Whitetail Golf Course north of Stevensville, Montana on October 27, 2018 to the Northern Continental Divide Ecosystem;

6. any electronic communications, records of phone calls, or other correspondence between the USFWS and FWP concerning the grizzly bear that FWP killed on or about May 26, 2021 near Dupuyer, Montana;

7. any documents including notes, reports, communications, or meeting minutes, including but not limited to those between the USFWS and FWP, concerning the grizzly bear that FWP killed on or about May 26, 2021 near Dupuyer Montana;

8. any electronic communications, records of phone calls, or other correspondence between the USFWS and FWP concerning the grizzly bear that FWP killed on or about May 12, 2021 in the Big Snowy Mountains south of Lewistown, Montana;

9. any documents including notes, reports, communications, or meeting minutes, including but not limited to those between the USFWS and FWP, concerning the grizzly bear that FWP killed on or about May 12, 2021 in the Big Snowy Mountains south of Lewistown, Montana;

10. any electronic communications, records of phone calls, or other correspondence between the USFWS and FWP concerning a grizzly bear that was found dead in late November or early December, 2021 near Emigrant, Montana.

11. any documents including notes, reports, communications, or meeting minutes, including but not limited to those between the USFWS and FWP, concerning the grizzly bear that was found dead in late November or early December, 2021 near Emigrant, Montana.

Other Correspondence

Attached File	File Type	Size (MB)
No correspondence has been created.		

Fee Estimates

Current Estimate Total	\$0
Date Estimate Sent to Requester	N/A
Estimate Required for Payment	N/A

Invoices

Sent	Title	Invoice Date	Amount
No invoices have been created.			

Total Amount Billed Which Has Been Sent To Requester	\$0.00
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Payments

Date	Amount	Type	Total Amount Paid	\$0.00
			Total Amount Owed	\$0.00
No payments have been added.				

Case Responsive Records

Publish Options:

UU - Unredacted - Unreleaseable

RU - Redacted - Unreleasable

**UR - Unredacted - Releaseable to the
General Public**

**RR - Redacted - Releaseable to the General
Public**

REQ - Release to Requester Only

Release Type	Title	User	Date/Time	Exemptions	Release Date
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No records have been uploaded.

Restricted Materials

Attached File Name	Size (MB)	File Type	User	Actual Agency	Date/Time
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No restricted materials have been added.

Existing Admin Costs

Date	User Name	Charge Type	Hours/Quantity	Rate	Billable?	Total
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No cost entries have been added.

Fee Category: N/A

Total: \$0.00

Invoice Amount: \$0.00

Assigned Tasks

Outcome	Task Type	Assigned To	Assigned By	Submitted Date	Due Date	Closed Date	Notification	Justification
Pending	Expedited Processing	FWS	Doug Peacock	12/23/2021	01/02/2022		No	
Requester Justification	As an organization with a primary purpose of disseminating information on grizzly bears and grizzly bear management to the public, Save the Yellowstone Grizzly has an urgent need for the materials subject to this request. Grizzly bears, a species listed as threatened under the Endangered Species Act, are facing ongoing threats. In order to carry out our work to inform the public concerning government activity involving the management of grizzly bears, we need the requested information as expediently as possible.							
Pending	Fee Waiver	FWS	Doug Peacock	12/23/2021	12/23/2021		No	
Requester Justification	Save the Yellowstone Grizzly (“STYG”) is a 501(c)(3) non-profit, public interest organization which provides updated information and news reports about grizzly bears to people in all 50 states, to broadcast networks and news media outlets in the United States and abroad, and to various local, regional, and international communities. In responding to our Freedom of Information Act (“FOIA”) request, STYG requests the agency to reduce costs and waste by providing the information and records in electronic PDF or Word format on a web site for downloading or on thumb drive or CD/DVD that can be mailed to the address below. Save the Yellowstone Grizzly requests a fee waiver for all search and duplication fees under the FOIA regulations 5 U.S.C. § 552(a)(4)(A) and 7 CFR § 1.5. A fee waiver and release of the information and records requested will benefit the people of the United States by fostering public understanding of government activities and encouraging public involvement in important policy and management issues. The released information and records are for the public’s benefit and in the public’s interest and will be made available to the public through Save the Yellowstone Grizzly’s office, website, and media contacts. Information and records available to Save the Yellowstone Grizzly are used in press releases and press conferences, television, radio, and newspaper interviews, magazine articles, books, documentary films, in public meetings before legislative bodies, and is shared online through a variety of media that reaches the public nationwide. All of these activities significantly contribute to public understanding of government operations and activities relating to grizzly bear management. The language of the Freedom of Information Act clearly indicates the U.S. Congress intended fees not to be a barrier to private individuals or public interest							

organizations seeking access to government information and records. In addition, the legislative history of the FOIA fee waiver language indicates the U.S. Congress intended a liberal interpretation of the phrase “primarily benefiting the public.” This suggested that all fees are to be waived whenever the release of information contributes to public debate on important public policy and management issues. This standard has been affirmed by the U.S. Court of Appeals for the District of Columbia in *Better Government Association v. Department of State*, 780 F.2d 86 (D.C. Cir. 1986). In *Better Government*, the D.C. Circuit found that under the Freedom of Information Act, the U.S. Congress explicitly recognized the need for non-profit organizations to have free access to government documents and those government agencies cannot impair this free access by charging duplication or search fees for Freedom of Information Act Requests. *Id.* at 89.

Existing Comments (1)

Date Created	Last Edited On	User Name
12/23/2021 04:40 PM	12/23/2021 04:40 PM	Doug Peacock
Comment	This request was created via FOIA.gov. Additional Properties are below. Foia.gov Request Id: 303571 Requester Category: Representative of the news media	

Assigned Reviewers

Review Order	Review Outcome	Assigned Reviewer	Review Date
No reviewers have been assigned.			