



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



November 17, 2022

Sent VIA Email: kbarnekow@humanesociety.org

Kate Barnekow
The Humane Society of the United States
1255 23rd St NW Suite 450
Washington DC 20037

REF: DOI-FWS-2022-005958

Dear Ms. Kate Barnekow,

This is our final response to your Freedom of Information Act (FOIA) request dated September 02, 2022, for following records:

1. *All permits issued under the Endangered Species Act, 16 U.S.C. § 1531 et seq., authorizing the states of Idaho, Wyoming, or Montana—including, but not limited to, permits issued to the Idaho Department of Fish and Game, the Wyoming Game and Fish Department, or the Montana Fish, Wildlife, and Parks agency—to capture, handle, kill, or otherwise "take" grizzly bears during the year 2022.*
2. *All documents, records, and communications related to the following specific grizzly bears and grizzly bear mortalities, including, but not limited to, grizzly bear incident reports, consideration of non-lethal interventions, implementation of non-lethal interventions, "nuisance bear" designations, lethal interventions, grizzly bear mortality reports, and application of the Interagency Grizzly Bear Guidelines:*
 - *Adult female grizzly bear killed on May 21, 2022, at Crow Creek, Caribou-Targhee National Forest, Idaho by "management capture and removal for numerous site related conflicts, food rewards and aggressive behavior," reported May 27, 2022, ID No. 202205;*
 - *Yearling male grizzly bear killed on May 21, 2022, at Crow Creek, Caribou-Targhee National Forest, Idaho by "management capture and removal for numerous site related conflicts, food rewards and aggressive behavior," reported May 27, 2022, ID No. 202206;*
 - *Adult female grizzly bear killed on May 25, 2022, at Crow Creek, Caribou-Targhee National Forest, Idaho by*

"management capture and removal for numerous site related conflicts, food rewards and aggressive behavior," reported May 27, 2022, ID No. 202209;

- *Yearling female grizzly bear killed on May 24, 2022, at Crow Creek, Caribou-Targhee National Forest, Idaho by "management capture and removal for numerous site related conflicts, food rewards and aggressive behavior," reported May 27, 2022, ID No. 202210;*
- *Yearling male grizzly bear killed on May 24, 2022, at Crow Creek, Caribou-Targhee National Forest, Idaho by "management capture and removal for numerous site related conflicts, food rewards and aggressive behavior," reported May 27, 2022, ID No. 202211;*
- *Adult male grizzly bear killed on April 25, 2022, at Greybull River, PR, Wyoming by "management capture and removal for cattle depredations," reported May 18, 2022, ID No. 202203;*

Response

We have completed our review and processed eight (8) responsive documents; our determination is as follows: six (6) documents (7 pages) are being released in full, and two (2) documents (9 pages) are being withheld in part under *Exemption 6 U.S.C. § 552(b)(6) and Exemption 7 5 U.S.C. § 552(b)(7)(A)-(F)*.

2 Documents Partially Redacted Exemption 6 U.S.C. § 552(b)(6) and Exemption 7 U.S.C. § 552(b)(7)(A)-(F).

Exemption 6

Exemption 6 allows an agency to withhold “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” [5 U.S.C. § 552\(b\)\(6\)](#). We are withholding We are withholding 9 pages in part under Exemption 6 and Exemption 7.

The phrase “similar files” covers any agency records containing information about a particular individual that can be identified as applying to that individual. To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information.

Under the FOIA, the only relevant public interest to consider under the exemption is the extent to which the information sought would shed light on an agency’s performance of its statutory duties or otherwise let citizens ‘know what their government is up to. The burden is on the requester to establish that disclosure would serve the public interest. When the privacy interest at stake and the public interest in disclosure have been determined, the two competing interests must be weighed against one another to determine which is the greater result of disclosure: the harm to personal privacy or the benefit to the public. The purposes for which the request for information is made do not impact this balancing test, as a release of information requested under the FOIA constitutes a release to the general public.

The information that has been withheld under Exemption 6 consists of personal information, personal names and we have determined that the individuals to whom this information pertains have a substantial privacy interest in withholding it. Additionally, {you have not provided information that explains a relevant public interest under the FOIA in the disclosure of this personal information and} we have determined that the disclosure of this information would shed little or no light on the performance of the agency’s statutory duties. Because the harm to personal privacy is greater than whatever public interest may be served by

disclosure, release of the information would constitute a clearly unwarranted invasion of the privacy these individuals and we are withholding it under Exemption 6.

Exemption 7 C & F

7(C)

Exemption 7(C) protects law enforcement records if their release could reasonably be expected to constitute an unwarranted invasion of personal privacy. It is regularly applied to withhold references to individuals in law enforcement files. For the materials that have been withheld under 7(C), we have determined that releasing them would constitute an unwarranted invasion of privacy because they identify individuals referenced in law enforcement records and the release of this information would not shed light on an agency's performance of its statutory duties.

7(F)

Exemption 7(F) protects law enforcement records if their release could reasonably be expected to endanger the life or physical safety of any individual. For the materials that have been withheld under 7(F), we have determined releasing them could reasonably be expected to endanger the life or physical safety of an individual.

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 Jones 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.

The decision to withhold/deny this information was made by the undersigned and approved by Dana Jacobson, Attorney-Advisor in the Office of the Solicitor.

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 our final response and closes your referral request DOI-FWS-2022-005958. If you have any questions about our response to your request, you may contact Jeanette King by email at jeanette_king@fws.gov.

Sincerely,

Stacey Cummins
FWS FOIA Coordinator