



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Washington, D.C. 20240

In Reply Refer To:  
FWS/AES/DCC/BEL/060542  
FOIA FWS # 2014-01226

**JUN 22 2015**

Mr. Eric E. Huber  
Senior Managing Attorney  
Sierra Club Environmental Law Program  
1650 38th Street, Suite 102W  
Boulder, Colorado 80301

Sent by U.S. Postal Mail

Dear Mr. Huber:

This letter and enclosed CD represent the U.S. Fish and Wildlife Service's (Service) third partial response to your August 11, 2014, Freedom of Information Act (FOIA) request.

Our March 10, 2015, first partial response to your FOIA request consisted of 17 documents released in full. Our March 26, 2015, second partial response to your FOIA request consisted of 94 documents released in full. This third partial response consists of 12 documents also released in full. In accordance with the Department of Interior's (Department) FOIA regulations at 43 CFR 2, any fees associated with your request have been waived.

Starting on November 21, 2014, the five stakeholder Federal agencies (the Service, U.S. Environmental Protection Agency (EPA), National Oceanic and Atmospheric Administration, and the White House's Council on Environmental Quality and the Office of Management and Budget) scheduled weekly calls to coordinate our records search, review, and response to five FOIA requests related to the issuance and implementation of the 316(b) regulations. The Service has now completed our search for responsive records and is continuing to review those records in coordination with EPA and other stakeholder Federal agencies.

Given the large volume of responsive records and logistics necessary to coordinate and complete the review of responsive records between the five Federal agencies, processing our response is requiring more time than anticipated. The Service expects to provide you a final response by October 30, 2015. We will continue to provide interim responses as expeditiously as possible. Thank you for your patience.

## Appeals

You may appeal this response to the Department FOIA Appeals Officer. If you choose to appeal, the FOIA Appeals Officer must receive your FOIA appeal **"no later than 30 workdays"** from the date of this letter. 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 in writing and addressed to:

FOIA Appeals Officer  
U.S. Department of the Interior  
1849 C Street, N.W., MS 6556  
Washington, D.C. 20240  
202-208-5339

Fax: 202-208-6677

Email: FOIA.Appeals@sol.doi.gov

You must include with your appeal copies of all correspondence between you and the Service concerning your FOIA request, including a copy of your original FOIA request and your denial letter. Failure to include this documentation with your appeal will result in the Department's rejection of your appeal. All communications concerning your appeal, including envelopes, should be clearly marked with the words "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe the Service's response is in error. For more information on FOIA Administrative Appeals, you may review the Department's FOIA regulations at *43 CFR Part 2, Subpart H*.

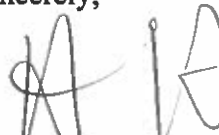
Although we do not believe your request is implicated by the following, please note for your information that Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the 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.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using the OGIS services does not affect your right to pursue litigation. You may contact the 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](mailto:ogis@nara.gov)  
Web: <https://ogis.archives.gov/>  
Telephone: 202-741-5770  
Fax: 202-741-5769  
Toll-free: 1-877-684-6448

If you have any questions concerning this response or need additional information, please contact Headquarters Ecological Services (HQ ES) FOIA Coordinator, Mary Klee, at (703) 358-2421 or by email at [Mary\\_Klee@fws.gov](mailto:Mary_Klee@fws.gov).

Sincerely,



Helen Speights  
Chief, Branch of ES Litigation Support  
Ecological Services Program

Enclosures