



United States Department of the Interior

Fish and Wildlife Service

Idaho Fish And Wildlife Office

1387 S. Vinnell Way, Room 368

Boise, Idaho 83709

Telephone (208) 378-5243

<http://www.fws.gov/idaho>



NOV 12 2014

Peter M.K. Frost
Western Environmental Law Center
1216 Lincoln St.
Eugene, Oregon 97401

Subject: Freedom of Information Act (FOIA) Request Relating To Occurrences Or Presence of Canada Lynx In the State of Idaho from 2005 to the Present.
FWS- 2015-00128

Dear Mr. Frost:

This letter concludes our response to your Freedom of Information Act (FOIA) request dated October 22, 2014 for the following documents:

1. Records of lynx occurrences or presence of Canada lynx (*Lynx canadensis*) in the State of Idaho from 2005 to the present. By “occurrences” or “presence” I mean records of both regular or recurring occurrences, sightings, or presence of Canada lynx, and records of episodic or transient occurrences, sightings, or presence of Canada lynx.
2. Records of correspondence from the State of Idaho (including any of its agencies) to the U.S. Fish and Wildlife Service related to Canada lynx, including specifically any comments or emails, formal or informal, and meeting notes related to the listing of Canada lynx under the Endangered Species Act (ESA), and the designation of critical habitat under the ESA.
3. Records of correspondence from the U.S. Fish and Wildlife Service to the State of Idaho (including any of its agencies), or from the State of Idaho to the U.S. Fish and Wildlife Service, related to Canada lynx, including specifically any comments or email, formal or informal, and meeting notes related to effects on Canada lynx of wildlife trapping activities in the State of Idaho.

We have carefully searched our files and located 30 documents responsive to your request which are enclosed on a CD. Exemption 5 USC§552 5.7B (1) Deliberative – Process Privilege was applied to three documents. Fish and Wildlife staff reviewed the

candidate documents line by line to determine the appropriate exempt information, segregated that information where possible, and released the remainder of each document as indicated. This privilege is designed to protect the quality of the agency's decision making process to encourage candid and frank discussions among agency officials; to protect against premature disclosure of proposed policies before they are finally adopted; and to avoid public confusion that might be caused by disclosing reasons and rationales that were not ultimately the basis for an agency's actions.

Exemption 5 USC§552 5.7B(3) Attorney-Client Privilege was applied to one document. This exemption reflects confidential communications between an agency attorney and his/her client for which the client has sought professional advice. The potential harm to the Service from disclosure would be to deter the agency from seeking legal counsel in the future. Fish and Wildlife staff reviewed the candidate document line by line to determine the appropriate exempt information, segregated that information where possible, and released the remainder of the document as indicated.

The decision to withhold the above-referenced material was made after consultation with Diane Hoobler, Pacific Region, Officer of the Solicitor, Portland, Oregon in the course of processing a previous FOIA request made by Noah Greenwald, Endangered Species Program Director, Center for Biological Diversity, Portland, Oregon on January 27, 2012. You may appeal this partial denial by writing to:

Freedom of Information Act Appeals Officer
Department of the Interior
Office of the Solicitor
1849 C Street, NW, MS 6556
Washington, DC 20240

The FOIA Appeals Officer must receive your FOIA appeal no later than 30 workdays from the date of this final letter responding to your FOIA request. Appeals arriving or delivered after 5 p.m. E.T., Monday through Friday, will be deemed received on the next workday. You must include with your appeal copies of all correspondence between you and the bureau concerning your FOIA request, including a copy of your original FOIA request and this final response letter.

Failure to include this documentation with your appeal will result in the Department's rejection of your appeal. The appeal should be marked, both on the envelope and the face of the letter, with the legend, "FREEDOM OF INFORMATION APPEAL." Your letter should include in as much detail as possible any reason(s) why you believe the bureau's response is in error.

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created 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
Room 2510
8601 Adelphi Road
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Telephone: 301-837-1996

For your information, 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) (2006 & Supp. IV (2010)). 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 requesters and should not be taken as an indication that excluded records do, or do not, exist.

While processing your request, we located three documents that originated with the U. S. Forest Service. In accordance with the Department of the Interior's FOIA regulations (43 CFR §2.13(b)(2)), we are referring those three documents to the U. S. Department of Agriculture, Agriculture Research Service for a direct response. If you wish to contact that agency concerning your request, the contact information is:

Forest Service (FS) FOIA Service Center
Federal Building
200 East Broadway
P.O. Box 7669
Missoula, Montana 59807-7669
Telephone number: 202-205-1542
Email: R1_FOIA2fs.fed.us

As noted in my letter to you dated October 28, 2014, your fee waiver request was granted based upon the information you provided. Therefore, there is no charge to you for these records.

If you have any questions, please contact Dennis Mackey of our office at (208) 378-5243.

Sincerely,



Active Michael Carrier, State Supervisor
Idaho Fish and Wildlife Office

Enclosure

cc: Forest Service (FS) FOIA Service Center