



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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



IN REPLY REFER TO:
FWS-2015-00753

June 22, 2015

Mr. Peter Frost
Western Environmental Law Center
1216 Lincoln Street
Eugene, Oregon 97401

Dear Mr. Frost:

On April 9, 2015, you sent a Freedom of Information Act to the United States Fish and Wildlife Service (FWS) Headquarters FOIA Office and Region 6. We have assigned it tracking number FWS-2015-00753. Please refer to this number in communications regarding your request.

You have requested the following information:

1. Please provide copies of all data and/or records of all lynx trapped, killed, injured, or otherwise taken since January 1, 2012, and reported to the Service by all of the States and Tribes the Service has approved for coverage under the CITIES export program for Appendix II furbearers.
2. Please provide copies of any and all annual, periodic, or other reports or other data since January 1, 2012 from the State of Idaho to the Service to apply for, report on, or otherwise support any coverage from the Service to the State of Idaho for the trapping, hunting, or harvest of bobcats under the CITIES export program for Appendix II furbearers.
3. Please provide copies of any and all documents by which the Service has approved for the State of Idaho's bobcat harvest program for any coverage under the 2001 and 2012 Biological Opinions and Incidental Take Statement (ITS) prepared by the Service to evaluate the effects on Canada lynx of the CITIES export program for Appendix II furbearers.
4. Please provide copies of any and all documents that explain whether the Biological Opinions and ITSs prepared by the Service to evaluate the effects on Canada lynx of the CITIES export program evaluates or covers the hunting of bobcats using hounds or dogs.

5. Please provide copies of any and all documents that discuss or explain, when the Service adopted criterion in the ITSs to specific the amount of permissible take, what the Service meant or means by the term “injured,” and what reports, data, or information the Service relies on to determine whether a lynx has been “injured.”
6. On April 11, 2012, the Acting Assistant Regional Director – Ecological Services, Region 6, wrote a letter to the Assistant Director – International Affairs, Division of Management Authority, Attention: Robert Gabel, that stated that since the Service issued a Biological Opinion in 2001 to evaluate impacts on Canada lynx of the CITIES export program for furbearers, “take of Canada lynx by various trapping methods has been documented, however, take of lynx attributable to the Program has been limited to eight trappings where the lynx were released unharmed.” Please provide copies of all documents that discuss the difference between take of Canada lynx by “various trapping methods” and “take of Canada lynx attributable to the Program.”

We are writing today to provide you with our first interim release. We are providing via email 22 files which we are releasing in their entirety in portable document format. We will send our second interim release no later than July 16, 2015.

As yet, we have been unable to make a determination on your request. We apologize for this delay. Although we hope that you will wait so that we can complete our review process, please note that you may file an appeal with the Department’s FOIA/Privacy Act Appeals Officer regarding this delay.

If you choose to appeal this delay, you may do so anytime between now and the date we make our determination on the FOIA request. 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 also include with your appeal copies of all correspondence between you and the FWS concerning your FOIA request, including your original FOIA request and the FWS's response. Failure to include with your appeal all correspondence between you and the 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

We regret the delay and appreciate your consideration. For more information on FOIA Administrative Appeals, you may review the Department's FOIA regulations at [43 C.F.R. Part 2, Subpart H](#).

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.

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 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://ogis.archives.gov>
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. If you have any questions about our response to your request, you may contact Pam Mozina at (703) 358-2698 or via email at pamela_mozina@fws.gov.

Sincerely,

Melissa Allen
FWS FOIA Office

Enclosures