



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE Mountain-Prairie Region



IN REPLY REFER TO:  
FWS/R6/BA/FOIA

MAILING ADDRESS:  
Post Office Box 25486  
Denver Federal Center  
Denver, Colorado 80225-0486

STREET LOCATION:  
134 Union Boulevard  
Lakewood, Colorado 80228-1807

February 23, 2017

Via email: [swilcox@wildearthguardians.org](mailto:swilcox@wildearthguardians.org)

Stuart Wilcox  
Staff Attorney  
WildEarth Guardians  
2590 Walnut Street  
Denver, CO 80205

REF: FWS-2017-00437

Dear Mr. Wilcox:

This letter is in regard to your Freedom of Information Act (FOIA) request dated February 8, 2017 for the following:

- 1) *U.S. Department of Agriculture APHIS Wildlife Services program. 2009. Biological Assessment of potential impacts on lynx by the USDA, APHIS Colorado Wildlife Damage Management Program. USDA-APHIS-WS. Submitted June 11, 2009. 6 pp.*
- 2) *FWS. 2010. Reinitiation of consultation and biological opinion for the wildlife damage management program and its effects on the threatened Canada lynx in Colorado. January 29, 2010. Denver, CO. 68 pp. TAILS 65412-2009-F0156.*
- 3) *U.S. Department of Agriculture APHIS Wildlife Services program. 2011. Biological Assessment for wildlife damage management in Colorado to protect agricultural and natural resources, property, and human health and safety: Analysis of potential impacts on threatened and endangered species. Lakewood, CO. 72 pp.*
- 4) *FWS. 2011. Letter of concurrence with the USDA-APHIS Wildlife Services Biological Assessment for impacts of wildlife damage management on T&E species in Colorado. From Susan Linner, USWFS Colorado Field Supervisor, to Mike Yeary, State Director. Nov. 22, 2011. 6 pp. TAILS 062E24100-2012-I-0028.*

We have assigned your request tracking number, FWS-2017-00437. We are enclosing two (2) documents (74 pages) responsive to items 2 and 4 of your request, which are being released to you in its entirety. We have no responsive records for items 1 and 3 of your request. You can request this information by submitting your request to:

Animal and Plant Health Inspection Service  
Director, Freedom of Information and Privacy Act Staff  
4700 River Road, Unit 50  
Riverdale, MD 20737  
FAX: 301-734-5941  
Email: [foia.officer@aphis.usda.gov](mailto:foia.officer@aphis.usda.gov)

We do not bill requesters for FOIA processing fees when their fees are less than \$50.00, because the cost of collection would be greater than the fee collected. See [43 C.F.R. § 2.37\(g\)](#). Therefore, there is no billable fee for the processing of this request and there is no need for us to address your request for a fee waiver.

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 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 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 the Fish and Wildlife Service's (Service) response is in error. You must also include with your appeal copies of all correspondence between you and the Service concerning your FOIA request, including your original FOIA request and the Service's response. Failure to include with your appeal all correspondence between you and the Service 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](mailto:FOIA.Appeals@sol.doi.gov)

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](mailto: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.

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.

You also may seek dispute resolution services from our FOIA Public Liaison, Carrie Hyde-Michaels; Chief, Branch of FOIA, Records, Privacy; 703-358-2291.

This is our only and final response and closes your request, FWS-2017-00437. If you have any questions, you may contact me by phone at 303-236-4473, by email at [Stacey\\_Cummins@fws.gov](mailto:Stacey_Cummins@fws.gov), or by mail at 134 Union Blvd, Lakewood, Colorado 80228.

Sincerely,

Stacey Cummins  
Region 6 FOIA Coordinator

Enclosures