



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

July 7, 2017

Robert H. Aland
140 Old Green Bay Road
Winnetka, IL 60093-1512

REF: FWS-2017-00775

Dear Mr. Aland:

This letter is in regard to your Freedom of Information Act (FOIA) request dated May 8, 2017 for "all records, of every kind and character, irrespective of form or format (including paper and electronic records), that were received by the U. S. Fish & Wildlife Service ("FWS") from, and/or sent by the FWS to, (a) any current or former federal, state or local official or agency, (b) any current or former member of the U.S. Senate or U.S. House of Representatives, (c) any current or former member of the U.S. Executive Branch or (d) any current or former member of the legislature of the State of Idaho, Montana or Wyoming that request, support or oppose, directly or indirectly, removal of grizzly bears in the Greater Yellowstone Ecosystem from the list of protected species under the Endangered Species Act, 16 U.S.C. § 1531 et seq. ("Requested Records")." The date range for this request is March 23, 2016 through May 10, 2017 (the date our search began).

We are enclosing a DVD containing one-thousand nine-hundred thirteen (1913) documents (16,094 pages) responsive to your request, of which 1912 (1755 pages) are being released to you in their entirety. An additional one (1) document (158 pages) is being withheld in part under exemption 6 which 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).

The phrase "similar files" covers any agency records containing information about a particular individual that can be identified as applying to that individual. See *United States Dep't of State v. Washington Post Co.*, 456 U.S. 595, 602 (1982). 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. See *United States Dep't of Justice v. Reporters Comm. For Freedom of Press*, 489 U.S. 749, 773-75 (1989).

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.'" *United States Dep't of Def v. Fed. Labor Relations Auth.*, 510 U.S. 487, 495-96 (1994) (quoting *Reporters Comm.*, 489 U.S. at 775). The burden is on the requester to establish that disclosure would serve the public interest. See *National Archives and Records Admin. v. Favish*, 541 U.S. 157, 171-72 (2004). 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. *See Reporters Comm.*, 489 U.S. at 771.

The information that has been withheld under Exemption 6 consists of individuals' date of birth; place of birth; home addresses, phone number and email addresses; and certain information on resumes. Please note certain resumes contain more redactions than others due to the availability of information on the internet. We have determined that the individuals to whom this information pertains have a substantial privacy interest in withholding that information. 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 of these individuals and we are withholding it under Exemption 6.

We reasonably foresee that disclosure would harm an interest protected by one or more of the nine exemptions to the FOIA's general rule of disclosure.

You may appeal this partial 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 Service's 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

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.

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.

If you have any questions, you may contact me by phone at 303-236-4473, by email at Stacey_Cummins@fws.gov, or by mail at 134 Union Blvd, Lakewood, Colorado 80228.

Sincerely,



Stacey Cummins
Region 6 FOIA Coordinator

Enclosure