

From: [Robert Aland](#)
To: fw6.foia@fws.gov; fw6.foia@fws.gov
Subject: FOIA - PEER REVIEW RELATING TO GRIZZLY BEARS
Date: Tuesday, May 09, 2017 11:14:33 AM

Dear Ms. Hyde-Michaels and Ms. Cummins:

On March 11, 2016, the U. S. Fish & Wildlife Service (“FWS”) published in the Federal Register a proposed rule relating to the removal of the Greater Yellowstone Ecosystem (“GYE”) population of grizzly bears from the Federal List of Endangered and Threatened Wildlife protected under the Endangered Species Act (“ESA”), as amended, 16 U.S.C. §§ 1531-1544. 81 Fed. Reg. 13174 et seq. The proposed rule states, under the heading “Peer Review” (at page 13176);

“In accordance with our Policy, ‘Notice of Interagency Cooperative Policy for Peer Review in Endangered Species Act Activities,’ which was published on July 1, 1994 (59 FR 34270), we will seek the expert opinion of at least three appropriate specialists who are independent of the [FWS], the States, and the Interagency Grizzly Bear Study Team (IGBST) regarding scientific data and interpretations contained in this proposed rule. Those experts will each submit separate opinions for the [FWS] to consider. We will send copies of this proposed rule, the draft 2016 Conservation Strategy, and the draft Grizzly Bear Recovery Plan Supplement: Revised Demographic Criteria to the peer reviewers immediately following publication of the proposed rule in the Federal Register. The purpose of such review is to ensure that our decisions are based on scientifically sound data, assumptions, and analysis. Accordingly, the final rule and decision may differ from this proposal.”

The public comment period provided under the Administrative Procedure Act, 5 U.S.C. §§ 551 et seq., has ended, and the FWS currently is reviewing, or has completed review of, those public comments and is expected to issue a final rule in the near future to remove ESA protection of GYE grizzly bears.

I request under the Freedom of Information Act (“FOIA”), 5 U.S.C. 552, as amended by the FOIA Improvement Act of 2016 (Public Law No. 114-185), codified at 5 U.S.C. 552(a)(8)(A), that you provide to me all records, of every kind and character, irrespective of form or format (including paper and electronic records), that relate, directly or indirectly, to the peer review described above — including under (a) the Office of Management and Budget Final Information Quality Bulletin for Peer Review (Dec. 2004) and/or (b) the U.S. Fish & Wildlife Service Information Quality Guidelines and Peer Review (Rev. June 2012) and/or (c) any other peer review instructions or requirements — for the FWS’s proposed removal of ESA protection of GYE grizzly bears (“Requested Records”).

The Requested Records include, but are not limited to, all documents related to:

- The identification, solicitation, selection, engagement, rejection and compensation of, and correspondence with, all peer reviewers who were

considered by the FWS;

- The FWS's criteria for identifying, soliciting, selecting, engaging, rejecting and compensating peer reviewers, including criteria for experience and expertise of peer reviewers with regard to grizzly bears in the GYE;
- The FWS's reasons for selecting an outside firm or organization to perform, supervise, carry out and/or otherwise participate in, including by contract, the peer review process; and
- The FWS's conclusions with regard to whether internal records created by such outside firm or organization are, or are not, available to the public under the FOIA.

The term Requested Records is to be construed broadly consistent with the meaning of the term provided by the FOIA.

If any of the Requested Records were, but no longer are, in the possession or control of your agencies because they were forwarded to another agency or agencies, please forward this request to the relevant federal agency or agencies.

This request covers the period **from April 23, 2016**, to the date of your response to this request.

I believe that many (possibly most) of the Requested Records are located in the Office of the Secretary of the Interior and/or the Office of the Deputy Assistant Secretary of the Interior for Fish, Wildlife and Parks in Washington, DC; the FWS Director's Office in Washington, DC; the FWS Headquarters Office in Falls Church, Virginia; the FWS Region 6 Office in Lakewood, Colorado; and/or the Office of the FWS Grizzly Bear Recovery Coordinator in Missoula, Montana.

All Requested Records provided to the undersigned should show the signatures of the appropriate persons and the dates of their signatures.

I believe that no FOIA exemption applies, in whole or in part, to any of the Requested Records and, therefore, that no Requested Records should be withheld or redacted. The Requested Records relate solely to required peer review and have no relation to legal advice or any deliberative process.

If you decide to claim a FOIA exemption for any document, in whole or in part, please provide sufficient information for me to assess the basis for the claim. Thus, please provide (a) basic factual material about each withheld or redacted record, including the originator, date, length, general subject matter and location; a complete explanation and justification for the withholding, including the exemption(s) claimed and why it or they applied; and (c) a statement of any interest that would be harmed by providing the document.

Please provide the Requested Records (a) within the time limit set forth in the FOIA and (b) in a readily-accessible electronic format as required by the FOIA with an index.

I will pay fees associated with processing this request subject to 43 CFR 2.37(e), (f) and (g). For this purpose, I am an "other requester" within the meaning of 43 CFR 2.39, since I do not intend to use the requested documents for any commercial purpose and am not a representative of any news media.

Please (a) acknowledge receipt of this request; (b) provide the assigned tracking number(s); and (c) advise when you expect to provide the Requested Records.

Sincerely,

Robert H. Aland

140 Old Green Bay Road
Winnetka, IL 60093-1512
(847) 784-0994
(847) 446-0993 (F)