



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

November 1, 2017

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

REF: FWS-2017-00784

Dear Mr. Aland:

This letter is in regard to your Freedom of Information Act ("FOIA") request dated May 9, 2017, request number FWS-2017-00784, for:

- *Documents containing analyses of the 2016 Public Comments that are comparable or similar to the FWS 2005 Analyses;*
- *Documents containing other analyses of the 2016 Public Comments that are not necessarily comparable or similar to the FWS 2005 Analyses;*
- *Documents, if any, stating why analyses comparable to the FWS 2005 Analyses were, or were not, prepared with regard to the 2016 Public Comments;*
- *Documents stating why, or why not, any 2016 Public Comments, individually or in groups, were treated either as especially important or disregarded; and*
- *Documents setting forth the names, titles, qualifications and locations of the FWS employees, or outside contractors, who reviewed and/or evaluated the 2016 Public Comments and describing why those persons were selected to perform such reviews and evaluations.*

On August 15, 2017, we provided you with a partial response releasing in their entirety one-thousand three-hundred ninety-seven (1,397) documents (246,317 pages) and seven (7) Excel files (35,872 KB) documents. In an email to this office dated October 20, 2017, you questioned the responsiveness of the documents released in that response. The documents released in that response are related to the U.S. Fish and Service ("Service") review and analysis of the public comments received in response to the proposed rule ("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. For efficiency, in that response we included documents that, while are related to the review and analysis, were not necessarily

response to your request. To resolve any confusion with our August 15, 2017, response, with this letter, we are amending that response as follows:

In response to bullets 1 thru 3, it has been determined that the Service has no responsive records. In response to bullet 4, we located thirty-five (35) documents which are released to you in their entirety; and in response to bullet 5, we located six (6) documents which are also released to you in their entirety.

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\(q\)](#). Therefore, there is no billable fee for the processing of these requests.

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 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.

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

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.

This is our final response and closes your request, FWS-2017-00784. If you have any questions, you may contact me by phone at 303-236-4325, by email at fw6_FOIA@fws.gov, or by mail at 134 Union Blvd., Lakewood, CO 80228.

Sincerely,

for Stacey Cummins
Region 6 FOIA Coordinator

Enclosures