



United States Department of the Interior

FISH AND WILDLIFE SERVICE

911 NE 11th Avenue
Portland, Oregon 97232-4181



In Reply Refer to:
ABA-CGS-FOIA
FWS-2020-00724

June 16, 2020

Sent by Email

Ann K. Brown
Center for Biological Diversity
P.O. Box 11374
Portland, OR 97211

Dear Ms. Brown:

This letter acknowledges your Freedom of Information Act (FOIA) request dated May 29, 2020, regarding the following:

FOIA

The records in the decision file that FWS relied upon when finding that the northern California and southern Oregon fisher population does not warrant listing as a threatened or endangered species under the Endangered Species Act, 16 U.S.C. §§1531-1544 found at Federal Register, Vol. 85, No. 95, May 15, 2020, 29532.

Your request was received by this office on June 1, 2020 and has been given EFTS number FWS-2020-00724. Because of the number of documents involved, your request has been categorized as a voluminous or exceptional request.

Thank you for discussing some of the specifics of your request with Jenny Ericson and Gina Glenne of the Service's Yreka office by phone on June 11, 2020. Based on the agreement reached during that conversation, we are providing relevant documents beginning with Judge Alsup's decision (case 3:16-cv-06040-WHA) on September 21, 2018, which remanded the Fish and Wildlife Service's 2016 fisher determination, through the publication of the final listing determination on May 15, 2020. As part of our response, we will include any new and relevant information obtained after our 2016 listing decision that was considered as part of our 2020 decision.

Also discussed, you prefer we take time to organize the documents before delivering them (i.e., deduplicated, no .pdf portfolios, and with an index). Accordingly, you agreed to allow the Service more time to compile the decision file, and the Service agreed in this instance to produce an index. An index is not required for FOIA requests. With this in mind, we agreed to the following tentative schedule of rolling responses:

- 1) References by July 15th.
- 2) All non-privileged materials within nine months (March 2020), if possible. We are still working on the technology, and if for some reason we can't make this deadline, we will let you know by the end of January 2020.

- 3) Release of materials that underwent privilege review and have been determined subject to release.

It is our intent to be transparent with you and keep you apprised of our progress along the way, especially given the voluminous nature of your request and the time it will take to process. At a minimum, we will provide you with a progress update every couple of months.

Lastly, we talked through the boilerplate list of document types requested. You indicated that some of the items listed in your request may not apply to this request, such as telephone records and telephone logs, and thus such documents will not be included in our response. Some of these may also be impossible to obtain, such as voicemails.

If you have any questions regarding this outline of the agreements reached regarding your FOIA request, please contact gina_glenne@fws.gov or by telephone at (530) 841-3112.

Sincerely,

John De Clerck

U.S. Fish and Wildlife Service
FWS Headquarters FOIA program