

FREEDOM OF INFORMATION ACT REQUEST

November 18, 2022

Attn: Cathy Willis, Acting FOIA Officer
MS: IRTM
United States Fish and Wildlife Service
5275 Leesburg Pike
Falls Church, VA 22041

Dear FOIA Officer Willis:

Pursuant to the Freedom of Information Act 5 U.S.C. § 552 *et. Seq.*, Save the Yellowstone Grizzly is filing this request for public information and records. To the extent that responsive records may be exclusively held in the regional office, please direct our request to Unified Region 6 of the United States Fish and Wildlife Service (“USFWS”) or whichever regional office controls the specific responsive record.

Save the Yellowstone Grizzly (“STYG”) is a 501(c)(3) non-profit, public interest organization which provides updated information and news reports about grizzly bears to people in all 50 states, to broadcast networks and news media outlets in the United States and abroad, and to various local, regional, and international communities.

In responding to our Freedom of Information Act (“FOIA”) request, STYG requests the agency to reduce costs and waste by providing the information and records in electronic PDF or Word format on a web site for downloading or on thumb drive or CD/DVD that can be mailed to the address below.

Save the Yellowstone Grizzly requests the following information and records:

1. any and all records of communications, including faxes, texts, emails, and/or other written or electronic communications, notes, logs, or records of phone calls, or other correspondence generated between July 1, 2022 and the date the USFWS conducts this records search, between the USFWS and any federal or state agency, including the National Park Service (“NPS”), the U.S. Forest Service (“USFS”), the Wyoming Game and Fish Department (“WGFD”), and/or the Idaho Department of Fish and Game (“IDFG”) concerning the sow grizzly bear and two cubs that were killed near Tetonia, Idaho on or about November 9 and 10, 2022;
2. any and all documents generated between July 1, 2022 and the date FWS conducts this records search, including written or electronic notes, logs, reports, communications, or meeting minutes concerning the sow grizzly bear and two cubs that were killed near Tetonia, Idaho on or about November 9 and 10, 2022 including those concerning complaints from the public involving the bears, the behaviors that led to the killings of the bears, the decision to lethally remove the bears, or subsequent investigations into the events surrounding the removal of the bears;

3. any and all records generated between July 1, 2022 and the date FWS conducts this records search in connection with the decision to remove the sow grizzly bear and two cubs that were killed near Tetonia, Idaho on or about November 9 and 10, 2022 including any approval granted by FWS to IDFG or any other person or agency, including but not limited to the granting of an Incidental Take Permit or other authorization for the removal of these bears;
4. any and all records concerning the use of the Interagency Grizzly Bear Guidelines in relation to the decision to remove the sow grizzly bear and two cubs that were killed near Tetonia, Idaho on or about November 9 and 10, 2022.
5. any and all photographs or videos depicting any behavior relied upon by the government that informed or led to the decision to remove the sow grizzly bear and two cubs that were killed near Tetonia, Idaho on or about November 9 and 10, 2022.

The Freedom of Information Act provides that if portions of a document are exempt from release, the remainder must be segregated and disclosed. Save the Yellowstone Grizzly expects to receive all non-exempt portions of the documents we have requested, and asks that you justify any deletions by reference to specific exemptions allowed under the FOIA. Save the Yellowstone Grizzly reserves the right to appeal a decision by the agency to withhold any information or records.

Save the Yellowstone Grizzly requests a fee waiver for all search and duplication fees under the FOIA regulations 5 U.S.C. § 552(a)(4)(A) and 7 CFR § 1.5. A fee waiver and release of the information and records requested will benefit the people of the United States by fostering public understanding of government activities and encouraging public involvement in important policy and management issues.

The released information and records are for the public's benefit and in the public's interest and will be made available to the public through Save the Yellowstone Grizzly's office, website, and media contacts. Information and records available to Save the Yellowstone Grizzly are used in press releases and press conferences, television, radio, and newspaper interviews, magazine articles, books, documentary films, in public meetings before legislative bodies, and is shared online through a variety of media that reaches the public nationwide. All of these activities significantly contribute to public understanding of government operations and activities relating to grizzly bear management.

The language of the Freedom of Information Act clearly indicates the U.S. Congress intended fees not to be a barrier to private individuals or public interest organizations seeking access to government information and records. In addition, the legislative history of the FOIA fee waiver language indicates the U.S. Congress intended a liberal interpretation of the phrase "primarily benefiting the public." This suggested that all fees are to be waived whenever the release of information contributes to public debate on important public policy and management issues. This standard has been affirmed by the U.S. Court of Appeals for the District of Columbia in *Better Government Association v.*

Department of State, 780 F.2d 86 (D.C. Cir. 1986). In *Better Government*, the D.C. Circuit found that under the Freedom of Information Act, the U.S. Congress explicitly recognized the need for non-profit organizations to have free access to government documents and those government agencies cannot impair this free access by charging duplication or search fees for Freedom of Information Act Requests. *Id.* at 89.

Please contact me at the address below if I can be of assistance in expediting this Freedom of Information Act request. Thank you for your time and assistance.

Sincerely,

/s/ _____

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