

January 11, 2011

Tonya Woods, FOIA Director
Legislative and Public Affairs
Freedom of Information Act
4700 River Road, Unit 50
Riverdale, MD 20737

Sent via U.S. mail

Re: Freedom of Information Act Request

Dear FOIA Officer:

This is a request under the Freedom of Information Act (FOIA) 5, U.S. C. Sec. 552-et seq.

I request that a copy of the following documents, all of which are matters of public record, be provided to me:

1. USDA NEPA appeal regulations that would apply to environmental assessments (EA) prepared for the predator management program in Nevada. I requested these via email from Mr. Mark Jensen in early January 2011, but received no response.

2. Copies of any correspondence to APHIS-ADC Nevada / Nevada Wildlife Program Services (NWPS) with dates ranging from January 1, 2007 through December 31, 2008 from Empire Ranch Golf Course and Eagle Valley Golf Course in Carson City, Nevada asking for information on or assistance in hazing and/or removing wild or other geese from those golf courses.

3. Copies of any correspondence to Empire Ranch Golf Course and Eagle Valley Golf Course in Carson City, Nevada with dates ranging from January 1, 2007 through December 31, 2008 from APHIS-ADC Nevada / NWPS providing information on or agreement to haze and/or remove wild or other geese from those golf courses.

4. Copies of APHIS-ADC Nevada / NWPS records regarding numbers of wild or other geese immobilized within dates ranging from January 1, 2007 through December 31, 2008 and disposition of any such geese that were immobilized during this time period on Empire Ranch Golf Course and Eagle Valley Golf Course in Carson City, Nevada.

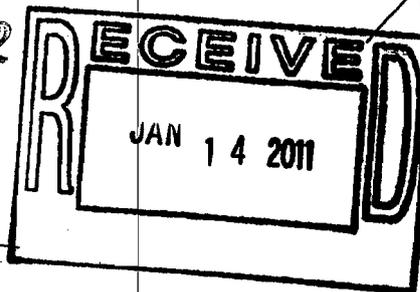
If you believe that any portions of the documents requested are exempt from disclosure under FOIA, you are required by the Act to segregate those portions and provide the rest of the information.

If you deny any document made under this request, please send an administrative Vaughn Index pursuant to U.S.C. See 552 (b) and Vaughn v. Rosen, 484 F.2d 820 (D.C. Cir. 1973), cert. Denied 415 U.S. 977 (1974). This index should specify the following information about each document withheld:

- The title, author, date of each document withheld
- A description of each document withheld, including the subject and conclusion of the document
- A legal citation to the exemption for each document withheld and an explanation of how the exemption applies to each document.
- A list of all documents, including memos, electronic mail, and other communications which are reference in the withheld document, or are referenced by the withheld document.

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This letter describes how and why I meet factors entitling me to a fee waiver under FOIA.

Factor 1: Do the requested records concern "the operation or activities of the government?"

Yes. My request is for documents relating to APHIS-ADC / NWSP activities which currently have a Predecisional EA. That document briefly mentions immobilization of waterfowl in its body and appendix. My request simply asks for further clarification on EA process of this particular EA and further information on a subject broached by the EA. I have written comments to this EA asking for clarification, but this has not been done.

Factor 2: If so, will disclosure likely contribute to public understanding of these operations and activities?

Yes. The Predecisional EA talks about immobilizing nuisance waterfowl, but doesn't reveal the ultimate fate of these. The EA also doesn't differentiate between domestic and wild waterfowl. The information obtained through this FOIA will be used to clarify information already mentioned in the EA.

Factor 3: If so, will release of the requested information contribute significantly to public understanding?

Release of the information will contribute significantly to public understanding of APHIS-ADC / NWSP activities on federal and on certain private lands. The first request is simply clarification of regulations as these apply to the specific agency. The second request would clarify pre-existing information, i.e. the Predecisional EA.

Factor 4: Is disclosure primarily a commercial interest?

A commercial interest is one that furthers a commercial, trade, or profit interest. I have no commercial interest in these topics, it is purely educational and scientific.

If APHIS-ADC / NWSP should deny my fee waiver, please notify me immediately of the costs for these documents so I can proceed from there.

If you have any questions about processing this request, you may email me at the address provided or call me at the telephone number below.

Sincerely,