

Cascadia Wildlands

WS
we like it wild.

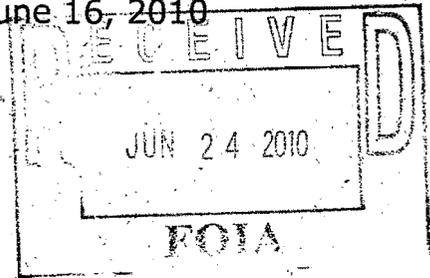
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Freedom of Information Act Request

Tonya Woods
FOIA/PA Officer
USDA Animal & Plant Health Inspection Service
4700 River Road, Unit 50
Riverdale, MD 29737-1232

June 16, 2010



Re: Freedom of Information Act Request for Information Related to Fish and Wildlife Services Involvement in Wolf Take Permits in Eastern Oregon

Dear Ms. Woods:

JUL 22 2010

This request for documents is made pursuant to the Freedom of Information Act, 5 U.S.C. §§ 552 et seq. This request is made on behalf of the Cascadia Wildlands and relates to information about the recent participation of Wildlife Services (WS) in the pursuit of wolves authorized by the Oregon Department of Fish and Wildlife (ODFW). Cascadia Wildlands is a non-profit organization based in Eugene, Oregon devoted to protecting wolves. Specifically, Cascadia Wildlands requests:

1. All records concerning WS's involvement and participation in the pursuit of wolves in Eastern Oregon since April 1, 2010;
2. All records of correspondence between WS and ODFW regarding the implementation and compliance with Oregon Wolf Conservation and Management Plan since April 1, 2010;
3. All records or information concerning the source of the funds used to by WS to pursue these wolves;
4. All data estimating the daily and total costs of the pursuit of these wolves, and costs of equipment, crews, or contractors.

This request applies to all responsive documents for which disclosure is not expressly prohibited by law. If you should seek to prevent disclosure of any of the requested records, we request that you: (i) Identify each such document with particularity (including title, subject, date, author, recipient, and parties copied), (ii) Explain in full the basis on which non-disclosure is sought, and (iii) Provide us with any severable portions of the records for which you do not claim a specific exemption.

Cascadia Wildlands respectfully requests that you waive any fees, including search and duplication costs, which would otherwise be incurred by this request. The Plant & Animal

Health Inspection Service should not charge Cascadia Wildlands for the requested information because "disclosure ... is in the public interest [and] is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii); 7 C.F.R Pt.1, Subpt. A, App. A, Sec. 6. In the event that the Plant & Animal Health Inspection Service decides not to waive fees, please contact me BEFORE incurring any costs in response to this FOIA request.

Cascadia Wildlands is entitled to a fee waiver because disclosure of the requested information satisfies all the requirements set out in 7 C.F.R. Pt.1, Subpt. A, App. A, Sec. 6(a)(1)(i)-(vi). First, the subject of the request concerns "the operations or activities of the government." 7 C.F.R Pt.1, Subpt. A, App. A, Sec. 6(a)(1)(i). Specifically, the requested information concerns the operations and activities of Wildlife Services.

Second, the request has informative value and is "likely to contribute to an understanding of government operations or activities." 7 C.F.R Pt.1, Subpt. A, App. A, Sec. 6(a)(1)(ii). Cascadia Wildlands and the public have recently been made aware of ongoing efforts by Wildlife Services to hunt down and kill two gray wolves in Eastern Oregon; an action authorized by the ODFW. Cascadia Wildlands, numerous other groups, and the general public has been actively involved in the initial development of Oregon's Wolf Management Plan and have a continuing interest in how the plan is carried out, more specifically in the exact details concerning WS's involvement. ODFW has contributed some information on these permits, but we have relatively little information concerning the involvement of WS, and how WS is funding its involvement in these wolf hunts. The requested information will contribute to an understanding of WS's involvement in these wolf take permits and the legality of that involvement. CWP has "expertise regarding the requested information" because our staff, board, and members include wildlife biologists, environmental attorneys, and other relevant experts who will review the requested records.

Third, the disclosure will likely contribute significantly to the "understanding of the subject by the general public." 7 C.F.R Pt.1, Subpt. A, App. A, Sec. 6(a)(1)(iii); 7 C.F.R Pt.1, Subpt. A, App. A, Sec. 6(a)(1)(iv). There has been a swarm of public interest and comment on the actions taken in Oregon regarding wolves, and Cascadia Wildlands intends to use this information to inform the public of the WS's activities regarding the taking of these wolves. Cascadia Wildlands also intends to use the information to encourage the public to participate in governmental activities and in the planning process for the upcoming comment period surrounding the revision of the Oregon Wolf Conservation and Management Plan. Cascadia Wildlands will disseminate the requested information to our 700 members and to the general public in several ways including by the media, on our website, by email, in our newsletter, and others. The Cascadia Wildlands' campaign emails are received by more than 1,600 people every two weeks; our website is visited by more than 3,000 people per month; and our newsletter is read by more than 600 people every quarter. Because our mission is to educate the public about the Cascadia bioregion and the environmental threats it faces, the

public understanding of the subject of the requested information is perhaps our primary goal in requesting it.

Finally, the disclosure of the requested information "is not primarily in the commercial interest of the requestor." 5 U.S.C. § 552(a)(4)(A)(iii); 7 C.F.R Pt.1, Subpt. A, App. A, Sec. 6(a)(1)(v)-(vi). Cascadia Wildlands does not have an interest in the requested information in "commerce, trade, or profit." McClellan Ecological Seepage Situation v. Carlucci, 835 F.2d 1282, 1285 (9th Cir. 1987). Cascadia Wildlands intends to use the requested information, as stated above, to increase public awareness about WS's activities.

As provided by FOIA, Cascadia Wildlands trusts that we shall receive an initial determination regarding all components of our request within twenty business days of receipt. 5 U.S.C. § 552(a)(6)(A)(I). **If the Animal & Plant Health Inspection Service refuses to grant the request fee waiver, please contact me before incurring any expense related to this FOIA request.** In the event of an adverse response, Cascadia Wildlands reserves the right to appeal such a decision. If you have any questions regarding this request please contact me by email at dkruse@caswild.org or by phone at (541) 434-1463. Thank you for your consideration of this request.

Sincerely,

Daniel Kruse, Legal Director
Cascadia Wildlands
P.O. Box 10455
Eugene, OR 97440