

# **EXHIBIT E**

June 21, 2022

Hello,

This is Ryan Devereaux, staff investigative reporter with The Intercept, writing to appeal the expedited processing request denial that I received for FOIA Request DOI-NPS-2022-004441.

My denial letter stated that my expedited processing did not meet DOI's first criteria for granting expedited requests, which I would agree with, but I disagree with the claim that my request does not meet DOI's second criteria for granting expedited requests. My denial letter states the following:

"You also failed to provide information showing how the value of the information you have requested would be lost if not disseminated quickly, as you failed to establish that your request pertains to a breaking news story that concerns a matter of public exigency. Additionally, although you stated that the investigatory records you are requesting are 'directly relevant to two ongoing deliberations processes that are squarely in the public's interest' you failed to specify how the contents of the investigatory records would be less valuable if received through the normal course of the NPS' FOIA processing, particularly as the July 20, 2022, response deadline for this request is prior to both of the August and September timeframes for comments. Your request for expedited processing therefore has been denied."

A bit of background context concerning this request may be of value here.

This request stems from a multi-month reporting project, numerous interviews with current and former NPS officials, and materials obtained through public records requests in the state of Montana. I learned of the incident at the center of this request through that reporting process. Through my reporting, I learned that the collar that belonged to the wolf that was killed by this NPS employee (who has since resigned) was found at the home of a private citizen. This private citizen, according to the reporting I have conducted, has been linked by witnesses to the use of potentially unlawful hunting methods in the course Montana's 2021 wolf hunt on Yellowstone's northern border.

Last year, Yellowstone National Park lost nearly 20 wolves on the park's northern border with Southwest Montana, where the incident at the center of this request took place, as a result of newly-implemented and highly controversial state hunting regulations. The number was unprecedented and prompted significant national and international interest. As noted in my initial request, the conduct and nature of Montana's 2021 wolf hunt — and specifically the killing of Yellowstone wolves — directly informed DOI's decision to launch a year-long review to determine whether a re-listing of gray wolves under the Endangered Species Act is warranted in the Northern Rockies, the conclusion of which is expected in September. That review is taking place alongside Montana's process for formulating regulations for the 2022 wolf hunting season — that process will end in August.

The nature of these records, this investigation, and their relationship to the reporting I described above — none of which has been reported before — would constitute “breaking news” in a significant way, particularly against the backdrop of the exigent public policymaking deliberations that are currently underway and set to terminate in the near future.

The reason that the contents of the investigatory records I am requesting would be less valuable if received through the normal course of the NPS’ FOIA processing is because the July 20 response deadline would give me little to complete the journalistic steps necessary to disseminate the information in a responsible manner while still providing the public with time to find and consider the reporting and its relationship to the public policymaking decisions currently underway — particularly in the case of Montana’s statewide deliberations over the 2022 wolf hunting season.

When receiving investigative records of this type, I believe it is incumbent upon the journalist recipient of those records to contact any individual impacted by the reporting and give them sufficient opportunity to comment on what the records say. In my experience, it is wise to expect this process to take up to a week, sometimes more. Those responses are then incorporated into a writing and editing process that takes additional time. In other words, records released on July 20 would not be appearing in a news article on July 21.

While late July could be an acceptable time to publish and disseminate this information, that would require an earlier release of these records in the first place, in order for me to undertake a meaningful and responsible reporting process.

As DOI considers this request to fall into its “Simple track,” I believe that it would be possible for the department to release these records expeditiously, thus allowing me to take necessary and important reporting steps and disseminate this information on a timeline that would provide the public with a reasonable amount of time to consider the information.

My denial letter is attached below. Please let me know if there is any other information I can provide that would be of assistance in furthering this process. Thank you for your time.

Best,

Ryan