

EXHIBIT 9

SOUTHERN ENVIRONMENTAL LAW CENTER

Telephone 919-967-1450

601 WEST ROSEMARY STREET, SUITE 220
CHAPEL HILL, NC 27516-2356

Facsimile 919-929-9421

April 29, 2019

FREEDOM OF INFORMATION APPEAL

VIA E-MAIL AND U.S. MAIL

Freedom of Information Act Appeals Officer
U.S. Department of the Interior
Office of the Solicitor
1849 C Street, NW, Mail Stop 6556
Washington, D.C. 20240
FOIA.Appeals@sol.doi.gov
Fax: (202) 208-6677

**Re: December 5, 2017 FOIA Request FWS/R4/ES/2018-00274– Documents
Related to Red Wolves in North Carolina**

Dear Appeals Officer:

Please accept this timely filed appeal under 5 U.S.C. § 552(a)(6) and 43 C.F.R. § 2.57. We request reconsideration of the U.S. Fish and Wildlife Service’s (“FWS”) partial denial of the above-referenced Freedom of Information Act (“FOIA”) request from the Southern Environmental Law Center (“SELC”). We specifically challenge the unexplained withholding of records that are responsive to our request.

I. After More Than a Year, FWS Partially Denied SELC’s Request.

On December 5, 2017, SELC submitted a FOIA request seeking any and all records in the possession or control of the U.S. Fish and Wildlife Service pertaining to FWS’s Advanced Notice of Proposed Rulemaking regarding the red wolf rule, FWS’s efforts to identify additional red wolf reintroduction sites, FWS’s review of the species status of the red wolf, and government studies regarding red wolf genetics and hybridization. A copy of this FOIA request is attached hereto as Exhibit 1. Without limiting the scope of our request, SELC identified five specific subject areas related to red wolves and coyotes:

1. All records concerning FWS’s Advanced Notice of Proposed Rulemaking, see Endangered and Threatened Wildlife and Plants; Nonessential Experimental Population of Red Wolves (*Canis rufus*) in North Carolina, 82 Fed. Reg. 98, 23518 (May 23, 2017) (“ANPR”), including but not limited to documents used, reviewed, or relied on by FWS to develop and issue the ANPR, documents received in response to the ANPR, and all

records concerning FWS's efforts since the ANPR to revise the red wolf rule or develop any supporting analyses for a proposed rule.

2. All records from January 1, 2016 through the date of the agency's search for this request, concerning efforts by FWS to identify new reintroduction sites for wild red wolf populations, including but not limited to any documents that flow from the September 12, 2016 FWS announcement of its plans for the future of the red wolf population.
3. All records related to any review or determination by FWS regarding whether the red wolf is a genetically valid species designation, including but not limited to any review undertaken pursuant to statements made by the U.S. House of Representatives in 2017 regarding the endangered red wolf.
4. All records from January 1, 2016 through the date of the agency's search for this request, related to any study planned or conducted by the North Carolina Wildlife Resources Commission related to hybridization of red wolves with coyotes, GPS monitoring of canids, or the Commission's 2013 Memorandum of Understanding with the FWS.
5. All records from January 1, 2017 through the date of the agency's search for this request related to any statements made by the U.S. Senate regarding the red wolf recovery program.

After extensive back-and-forth correspondence with the FWS' Region 4 FOIA coordinator, attached as Exhibit 2, SELC received a first partial response and partial denial on February 12, 2019, more than a year after the initial request. This long overdue initial partial response contained only 24 documents—four of which were partially withheld. A partial denial letter, attached as Exhibit 3, accompanied these documents and stated that FWS was withholding in full another 44 documents. The letter claims that these documents are subject to the deliberative process privilege pursuant to FOIA Exemption 5, however, the letter fails to provide any information to justify the withholding of these documents. FWS has yet to provide a second partial response to this request, more than two and a half months after sending the first partial response.

We appeal the denial and withholding of documents in full and in part with regard to this first partial response and partial denial. We reserve the right to challenge any future partial denials, as well as the failure to provide additional partial responses in a timely manner.

II. FWS Failed to Provide Any Description of Withheld Material and the Claimed Exemption.

FOIA places the burden on agencies to establish information is exempt from release, and such exemptions must be construed narrowly. 5 U.S.C. § 552(a)(4)(B); City of Va. Beach v. U.S. Dep't of Commerce, 995 F.2d 1247, 1252 (4th Cir. 1993). To meet this requirement, an agency must compile a Vaughn index that lists each withheld document along with an explanation as to how and why the claimed exemption applies. E.g. Rein v. United States Patent & Trademark Office, 553 F.3d 353, 366 (4th Cir. 2009); King v. U.S. Dep't of Justice, 830 F.2d 210, 218–19 (D.C. Cir. 1987). Courts have long held that “when an agency seeks to withhold

information[,] it must provide a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.” Mead Data Central, Inc. v. U.S. Dep’t of Air Force, 566 F.2d 242, 251 (D.C. Cir. 1977); King, 830 F.2d at 219. “[C]onclusory assertions of privilege will not suffice to carry the Government’s burden of proof in defending FOIA cases.” Coastal States Gas Corp. v. Dep’t of Energy, 617 F.2d 854, 861 (D.C. Cir. 1980). The Vaughn index must supply enough information for a district court to be able to determine that the claimed exemption applies. Rein, 553 F.3d at 370; see Coastal States Gas Corp., 617 F.2d at 861 (“We remind the agencies, once again, that the burden is on them to establish their right to withhold information from the public and they must supply the courts with sufficient information to allow us to make a reasoned determination that they were correct.”).

The FWS invokes only Exemption 5’s deliberative process privilege in withholding the requested documents. Exemption 5 permits agencies to withhold from disclosure “inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency.” 5 U.S.C. § 552(b)(5). This exemption includes the deliberative process privilege, which protects from disclosure documents that are predecisional and deliberative. City of Va. Beach, 995 F.2d at 1253. Predecisional documents are those “prepared in order to assist an agency decisionmaker in arriving at his decision.” City of Va. Beach, 995 F.2d at 1253 (quoting Renegotiation Bd. v. Grumman Aircraft Eng’g Corp., 421 U.S. 168, 184, 95 S. Ct. 1491, 1500 (1975)). Deliberative material ‘reflects the give-and-take of the consultative process,’ by revealing the manner in which the agency evaluates possible alternative policies or outcomes.” City of Va. Beach, 995 F.2d at 1253 (quoting Coastal States, 617 F.2d at 866) (internal citations omitted).

Here, FWS failed to provide any Vaughn index accounting for the withheld documents. Instead, the FWS’s only attempt to account for the withheld documents comes in conclusory, boilerplate language regarding the deliberative process privilege:

The materials that have been withheld under the deliberative process privilege of Exemption 5 are both pre-decisional and deliberative. They do not contain or represent formal or informal agency policies or decisions. They are the result of frank and open discussions among parties, and public dissemination of this information would have a chilling effect on the agency’s deliberative process.”

Exhibit 3 at 2. This blanket description simply recites the general requirements for invoking the deliberative process privilege, without any demonstration of *how* those requirements actually apply in this instance.

With regard to the partially-withheld documents, the letter relies on additional general language about the deliberative process privilege, claiming that the Regional Solicitor determined that these documents were partially exempt from disclosure because “[t]he information redacted pursuant to Exemption 5 includes privileged information involving discussions on the matters of policy between subordinates and superiors and were used to guide the Agency in the decision making process.” Exhibit 3 at 1-2. There is no indication of which

policy or decision was involved, nor any explanation of how the information was in fact pre-decisional.

In short, these generalizations are not “sufficiently specific to permit a reasoned judgment as to whether the material is actually exempt under FOIA.” Founding Church of Scientology v. Bell, 603 F.2d 945, 949 (D.C. Dir. 1979); Coastal States Gas Corp., 617 F.2d at 861. FWS has failed to “provide a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.” Mead Data Central, Inc., 566 F.2d at 251. Contrary to the guidance of Vaughn and related cases, the Service has neither identified the documents withheld, nor explained in a non-conclusory manner how the disclosure of these documents would damage the interests protected by the deliberative process privilege. Accordingly, absent further explanation, the Service’s withholding of the requested documents is arbitrary and should be reversed.

III. FWS Must Release the Requested Records or Provide a Privilege Log.

FWS has failed to fulfill its FOIA-imposed duty to explain how and why a particular exemption applies to each withheld document. We appeal FWS’s determination as to all documents withheld in full or in part on the grounds that FWS has failed to justify its claims that the deliberative process privilege applies to the material in question. As such, we request release of the withheld documents. We look forward to your response to this appeal within 20 working days as required by FOIA. See 5 U.S.C. § 552(a)(6). Should you have any questions, please feel free to contact me at (919) 967-1450.

Sincerely,



Ramona H. McGee
Staff Attorney

COPY (via e-mail) to:

Tiffany McClurkin, Region 4 FOIA Coordinator
Pete Benjamin, Raleigh Office Field Supervisor

Exhibit 1

SOUTHERN ENVIRONMENTAL LAW CENTER

Telephone 919-967-1450

601 WEST ROSEMARY STREET, SUITE 220
CHAPEL HILL, NC 27516-2356

Facsimile 919-929-9421

December 5, 2017

Via U.S. Mail and Electronic Mail

Tiffany McClurkin
FOIA Coordinator
U.S. Fish and Wildlife Service
1875 Century Boulevard
Atlanta, GA 30345
tiffany_mcclurkin@fws.gov
foia4@fws.gov

Re: FOIA Request – Records Concerning the Red Wolf Rule and Recovery Program

Dear Ms. McClurkin:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and 43 C.F.R. §§ 2.1-2.290, the Southern Environmental Law Center (“SELC”) respectfully requests copies of any and all records in the possession or control of the U.S. Fish and Wildlife Service (“FWS”) related to FWS’s Advanced Notice of Proposed Rulemaking regarding the red wolf rule, FWS’s efforts to identify additional red wolf reintroduction sites, FWS’s review of the species status of the red wolf, and government studies regarding red wolf genetics and hybridization. Because releasing these records is in the public interest, we request a fee waiver for costs associated with conducting this search.

This request shall include, but is not limited to:

1. All records concerning FWS’s Advanced Notice of Proposed Rulemaking, see Endangered and Threatened Wildlife and Plants; Nonessential Experimental Population of Red Wolves (*Canis rufus*) in North Carolina, 82 Fed. Reg. 98, 23518 (May 23, 2017) (“ANPR”), including but not limited to documents used, reviewed, or relied on by FWS to develop and issue the ANPR, documents received in response to the ANPR, and all records concerning FWS’s efforts since the ANPR to revise the red wolf rule or develop any supporting analyses for a proposed rule.
2. All records from January 1, 2016 through the date of the agency’s search for this request, concerning efforts by FWS to identify new reintroduction sites for wild red wolf populations, including but not limited to any documents that flow from the September 12, 2016 FWS announcement of its plans for the future of the red wolf population.
3. All records related to any review or determination by FWS regarding whether the red wolf is a genetically valid species designation, including but not limited to any review undertaken pursuant to statements made by the U.S. House of Representatives in 2017 regarding the endangered red wolf.

4. All records from January 1, 2016 through the date of the agency's search for this request, related to any study planned or conducted by the North Carolina Wildlife Resources Commission related to hybridization of red wolves with coyotes, GPS monitoring of canids, or the Commission's 2013 Memorandum of Understanding with the FWS.
5. All records from January 1, 2017 through the date of the agency's search for this request related to any statements made by the U.S. Senate regarding the red wolf recovery program.

For the purposes of this request, the term "records" includes all written, printed, recorded, or electronic materials, communications, correspondence, memoranda, notations, copies, diagrams, charts, books, papers, maps, photographs, data, tables, spreadsheets, formulas, directives, observations, impressions, contracts, letters, messages, and mail in the possession, custody, or control of FWS. Please provide any electronic records in native file format.

In addition, we request access to each and every version of a record or document, whether it is a draft, has been electronically deleted, has attachments, bears annotations, etc. Please also include all responsive records generated up to the date of the agency's search for records responsive to this request.

FOIA directs a responding agency to make a "determination" on any request within twenty working days of receipt. 5 U.S.C. § 552(a)(6)(A); 43 C.F.R. § 2.16(a). Pursuant to 43 C.F.R. § 2.25, in addition to making responsive documents available for request, should you determine that certain documents are responsive to this request and choose not to produce them on the basis of any claimed privilege or exemption from disclosure, we request that you produce a detailed list of those documents, including: the date of the document; the authors and recipients; the subject matter of the document; and the basis for the claimed privilege or exemption for disclosure. Further, where a document contains specific information that you claim is exempt or privileged, we request that you simply redact the information so claimed and produce the document in redacted form. The redacted information should be included in the list of privileged or exempt information just described.

The disclosure of the requested records would be in the public interest because it is likely to contribute significantly to public understanding of FWS's activities in relation to its ongoing review and future operation of its Red Wolf Recovery Program, which could have profound impacts on the only wild population of endangered red wolves in the world, and is not in the commercial interest of SELC. SELC is a 501(c)(3) non-profit organization working to protect the natural resources of the Southeast and, in particular, to gather, analyze, and disseminate public information about matters of conservation and environmental protection. As part of its work, SELC has been actively engaged in protecting the environment of the Southeast for three decades. SELC intends to disseminate the information gathered through this request to the general public through press releases, social media, public comment letters, and its website, southernenvironment.org, which is updated regularly.

We request that you waive any search and duplication fees and provide the requested records without charge, or at a reduced charge, pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). A fee waiver is appropriate because SELC does not have a commercial interest that would be furthered by the requested disclosure. SELC is a 501(c)(3) non-profit organization that provides legal

representation to other 501(c)(3) non-profits and public advocacy free of charge. Our intended use of the requested materials is to glean a greater understanding of FWS's plans for the red wolf recovery program and to continue to disseminate information about federal conservation policy to the public through the many channels described above. All of the activities described above have been, and will continue to be, provided to the public by SELC and our clients for no payment. Courts have recognized that Congress intended FOIA's fee waiver to be "liberally construed in favor of waivers for noncommercial requesters." *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987).

Should our request for reduced or waived fees be denied, we are prepared to bear the reasonable costs necessary to fulfill this request, although we request that you contact us before processing this request to discuss fees. We reserve our right to appeal a denial of our request for a fee waiver or reduction.

Thank you for your prompt attention to this matter. In the event you deny our request, we ask that you inform us of the grounds for denial and the specific administrative appeal rights that are available. If you have any questions regarding this request, please feel free to contact me at rmcgee@selcnc.org or 919-967-1450.

Sincerely,

A handwritten signature in black ink that reads "Ramona H. McGee". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ramona H. McGee
Associate Attorney

Exhibit 2

Ramona McGee

From: Ramona McGee
Sent: Tuesday, December 05, 2017 4:42 PM
To: 'Tiffany McClurkin'
Cc: Pat Dunlop; Sierra Weaver
Subject: FOIA Request - Red Wolf Rule and Recovery Program Documents
Attachments: 2017.12.05 SELC FOIA re Red Wolf Rule & Recovery Program.pdf

Dear Ms. McClurkin:

Please find attached a Freedom of Information Act request from the Southern Environmental Law Center requesting Fish and Wildlife Service records concerning the red wolf rule and associated activities. A copy of this request is also being sent via U.S. mail.

Please let me know if you have any questions about this request.

Thank you,

Ramona

--

Ramona H. McGee

Associate Attorney | [Southern Environmental Law Center](#)
601 West Rosemary Street, Suite 220 | Chapel Hill, NC 27516-2356
T: 919-967-1450 | F: 919-929-9421 | Email: rmcgee@selcnc.org

This electronic message and any attached files are confidential and are intended solely for the use of the addressee(s) named above. This communication may contain material protected by attorney-client, work product or other privileges.

 Please consider the environment before printing this email.

Ramona McGee

From: tiffany_mcclurkin@fws.gov on behalf of FOIA R4, FW4 <foiar4@fws.gov>
Sent: Wednesday, December 13, 2017 1:13 PM
To: Ramona McGee
Subject: FOIA FWS-2018-00274 Acknowledgement

Good Afternoon Mr. McGee,

This is in response to your Freedom of Information Act (FOIA) request, dated 5 December 2017, for records concerning the Red Wolf Rule and Recovery Program, which has been assigned tracking number FWS-2018-00274. Our office received your request on 6 December 2017.

We have classified you as an "other-use" requester and considered your fee waiver request. Your fee waiver has been granted.

We use Multi-track Processing to process FOIA requests. The Simple track is for requests that can be processed in one to five workdays. The Normal track is for requests that can be processed in six to twenty workdays. The Complex track is for requests that can be processed in twenty-one to sixty workdays. The Exceptional/Voluminous track is for requests requiring more than sixty workdays for processing. The Expedited track is for requests that have been granted expedited processing. Within each track, requests are usually processed on a first-in, first-out basis.

Your request falls in the "exceptional/voluminous" processing track. Requests in this track will take over sixty workdays to process. Please note the use of multi-track processing does not alter the statutory deadline for Fish and Wildlife Service to comply with your FOIA request.

You may narrow the scope of your request to obtain quicker processing in your currently-assigned track or move the request into a faster track. If you have any questions about this, please contact us.

Please accept this as receipt of your request. Thanks and please feel free to contact my office if you have any questions or concerns.

V/R

Tiffany McClurkin

Government Information Specialist

Freedom of Information Act (FOIA) Coordinator

U.S. Fish & Wildlife Service

Southeast Region (Region 4)

1875 Century Blvd, Suite 214

Atlanta GA 30345

(E) foiar4@fws.gov

Ramona McGee

From: FOIA R4, FW4 <foiar4@fws.gov>
Sent: Friday, January 12, 2018 3:36 PM
To: Ramona McGee
Subject: Out of Office RE: FOIA FWS-2018-00274 Clarification

I'm currently out of the office and will return 17 January 2018. I will respond to your email upon my return. Thanks!

V/R

Tiffany McClurkin

--

V/R

Tiffany McClurkin

Government Information Specialist

Freedom of Information Act (FOIA) Coordinator

U.S. Fish & Wildlife Service

Southeast Region (Region 4)

1875 Century Blvd, Suite 214

Atlanta GA 30345

(E) foiar4@fws.gov

Ramona McGee

From: FOIA R4, FW4 <foiar4@fws.gov>
Sent: Thursday, July 19, 2018 10:17 AM
To: Ramona McGee
Subject: Out of Office Re: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

I am currently out of the office and will have limited access to emails. I will respond to your email as soon as I can. Thanks!

V/R

Tiffany McClurkin

--

V/R

Tiffany McClurkin

Government Information Specialist

Freedom of Information Act (FOIA) Coordinator

U.S. Fish & Wildlife Service

Southeast Region (Region 4)

1875 Century Blvd, Suite 214

Atlanta GA 30345

(E) foiar4@fws.gov

Ramona McGee

From: Tiffany McClurkin <foiar4@fws.gov>
Sent: Friday, September 07, 2018 1:14 PM
To: Ramona McGee; 'Lee, Larry'
Cc: Emma Postel
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Follow Up Flag: Follow up
Flag Status: Flagged

You're welcome!

Thanks so much Mr. McGee! You have a good weekend as well!

V/R

Tiffany McClurkin
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
U.S. Fish & Wildlife Service
Southeast Region (Region 4)
1875 Century Blvd, Suite 214
Atlanta GA 30345
(E) foiar4@fws.gov

From: Ramona McGee <rmcgee@selcnc.org>
Sent: Friday, September 7, 2018 12:07 PM
To: Tiffany McClurkin <foiar4@fws.gov>; 'Lee, Larry' <larry_lee@fws.gov>
Cc: Emma Postel <epostel@selcnc.org>
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Thank you for the quick response, and yes, an update next week would be fine. Have a good weekend!

From: Tiffany McClurkin [<mailto:foiar4@fws.gov>]
Sent: Friday, September 07, 2018 11:43 AM
To: Ramona McGee; 'Lee, Larry'
Cc: Emma Postel
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Good Morning Mr. McGee,

I apologize for the delay in responding to your FOIA request. Please allow me to speak with Larry regarding when we can prepare an initial response for you. We are in possession of responsive records (unsure of the total) that will need to be reviewed for release determination. Can I please provide you a better timeline of our productions next week? Your help with this will be greatly appreciated. Thanks so much for your continued patience!

V/R

Tiffany McClurkin
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
U.S. Fish & Wildlife Service
Southeast Region (Region 4)
1875 Century Blvd, Suite 214
Atlanta GA 30345
(E) foiar4@fws.gov

From: Ramona McGee <rmcgee@selcnc.org>
Sent: Friday, September 7, 2018 11:07 AM
To: Tiffany McClurkin <foiar4@fws.gov>; 'Lee, Larry' <larry_lee@fws.gov>
Cc: Emma Postel <epostel@selcnc.org>
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Hi Tiffany and Larry,

It's been a month since we last e-mailed about this, and we still have not received an initial response. Could you give us a specific timeline of when we can expect to receive some records?

Thank you,

Ramona

From: Tiffany McClurkin [<mailto:foiar4@fws.gov>]
Sent: Monday, August 06, 2018 2:13 PM
To: Ramona McGee
Cc: 'Lee, Larry'; Emma Postel
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

You're welcome! Anytime!

V/R

Tiffany McClurkin
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
U.S. Fish & Wildlife Service
Southeast Region (Region 4)
1875 Century Blvd, Suite 214
Atlanta GA 30345
(E) foiar4@fws.gov

From: Ramona McGee <rmcgee@selcnc.org>
Sent: Monday, August 6, 2018 10:25 AM
To: Tiffany McClurkin <foiar4@fws.gov>
Cc: 'Lee, Larry' <larry_lee@fws.gov>; Emma Postel <epostel@selcnc.org>
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Thank you for the update.

From: Tiffany McClurkin [<mailto:foiar4@fws.gov>]
Sent: Friday, August 03, 2018 11:42 AM
To: Ramona McGee
Cc: 'Lee, Larry'
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Good Morning Mr. McGee,

The Program FOIA Point of Contact (POC) is currently working on this FOIA as well and hope to have a partial response prepared for review by next week. Thanks for your continued patience! We hope to have a partial response to you soon. Again, I've included the POC, but if you email him, please be sure to include me as well.

V/R

Tiffany McClurkin
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
U.S. Fish & Wildlife Service
Southeast Region (Region 4)
1875 Century Blvd, Suite 214
Atlanta GA 30345
(E) foiar4@fws.gov

From: Ramona McGee <rmcgee@selcnc.org>
Sent: Friday, August 3, 2018 8:40 AM
To: Tiffany McClurkin <foiar4@fws.gov>
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Hi Ms. McClurkin,

Have you heard back on the status of this request?

Thanks,

Ramona

From: Tiffany McClurkin [<mailto:foiar4@fws.gov>]
Sent: Friday, July 27, 2018 1:05 PM
To: Ramona McGee
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Good Afternoon Mr. McGee,

I'm following up with the FO on the records for your request. Thanks!

V/R

Tiffany McClurkin
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
U.S. Fish & Wildlife Service

Southeast Region (Region 4)
1875 Century Blvd, Suite 214
Atlanta GA 30345
(E) foiar4@fws.gov

From: Ramona McGee <rmcgee@selcnc.org>
Sent: Thursday, July 19, 2018 10:17 AM
To: FOIA R4, FW4 <foiar4@fws.gov>
Subject: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Ms. McClurkin,

Could you please provide an update on the status of this request? Your last update said we could expect these records after February 16, 2018. Given that several months have passed since then, we assume these records should be available soon. Thank you for your help.

Best,

Ramona

From: tiffany_mcclurkin@fws.gov [mailto:tiffany_mcclurkin@fws.gov] **On Behalf Of** FOIA R4, FW4
Sent: Wednesday, January 24, 2018 7:27 AM
To: Ramona McGee
Subject: Re: FOIA FWS-2018-00274 Clarification

Good Morning Mr. McGee,

Sorry for the delayed response. I was out of the office unexpectedly last week due to a personal family matter. I have forwarded your clarification to the office responsible for processing your request. The Ecological Services point of contact is currently in possession of some records for review. They will need to go through the process of multiple reviews, including but not limited to the Solicitor's Office prior to signature. We hope to have a response to you soon. Our estimated processing completion date, according to the Electronic FOIA Tracking System (EFTS) is after February 16, 2018 as your request was placed in the exceptional/voluminous processing track, which takes over 60 workdays to process.

As a status update - At this time, to my knowledge searches were still being conducted. I will check with the responsible office to be sure. Exemption 5 (deliberative process) is the only exemption we foresee at the current time we intend to assert on the responsive material. Thanks and please let me know if you have any questions or concerns.

V/R

Tiffany McClurkin

Government Information Specialist

Freedom of Information Act (FOIA) Coordinator

U.S. Fish & Wildlife Service

Southeast Region (Region 4)

1875 Century Blvd, Suite 214

Atlanta GA 30345

(E) foiar4@fws.gov

On Fri, Jan 12, 2018 at 3:34 PM, Ramona McGee <rmcgee@selcnc.org> wrote:

Hi Ms. McClurkin,

Thank you for your e-mail. As to your first question, we are interested in all documents related to any official statements issued by either congressional body (including House or Senate committees), including statements within congressional reports or bill drafts. We do not intend the request to capture every statement made by an individual member of Congress.

As to the documents received in response to the ANPR, we are fine retrieving those comments from regulations.gov. Our request was intended to cover any documents beyond public comment that may have been received by FWS in response to the ANPR.

Finally, when do you anticipate responding to our request? I believe that more than 20 working days' have elapsed since we submitted our request.

Feel free to e-mail me or call me at 919.967.1450 with any additional questions.

Best,

Ramona

From: tiffany_mcclurkin@fws.gov [mailto:tiffany_mcclurkin@fws.gov] **On Behalf Of** FOIA R4, FW4
Sent: Friday, January 12, 2018 10:00 AM
To: Ramona McGee
Subject: FOIA FWS-2018-00274 Clarification

Morning Mr. McGee,

This is regarding your FOIA request, reference number FWS-2018-00274, that was submitted to our office on December 6, 2017.

Can you please provide clarification on which statements you are referring to in items 2 and 5 of your request regarding statements made by the U.S. House of Representatives in 2017 regarding the endangered Red Wolf and the U.S. Senate regarding the Red Wolf Recovery Program?

Also, what our office have in response to "documents received in response to the ANPR" are exactly what is available on www.regulations.gov. except that our documents contain PII. Are you willing to retrieve those documents from regulations.gov yourself? Please advise. Your help with this will be greatly appreciated. Thanks!

V/R

Tiffany McClurkin

Government Information Specialist

Freedom of Information Act (FOIA) Coordinator

U.S. Fish & Wildlife Service

Southeast Region (Region 4)

[1875 Century Blvd, Suite 214](#)

Atlanta GA 30345

(E) foiar4@fws.gov

Disclaimer

The information contained in this communication from the sender is confidential.

Disclaimer

The information contained in this communication from the sender is confidential.

Disclaimer

The information contained in this communication from the sender is confidential.

Ramona McGee

From: Tiffany McClurkin <foiar4@fws.gov>
Sent: Thursday, November 01, 2018 2:18 PM
To: Emma Postel
Cc: 'Larry Lee'; Ramona McGee; Sierra Weaver; Heather Hillaker
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Good Afternoon Ms. Postel,

I'm preparing Ms. McGee's 1st Partial Response to be routed to go to the SOL's Office. As discussed with Ms. McGee, we have internal routing prior to SOL's review. I just wanted to keep you updated and let you know that Ms. McGee's 1st partial response is being worked. I'm sorry for the delay, but will keep you updated along the way. Thanks again for your patience!

V/R

Tiffany McClurkin
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
U.S. Fish & Wildlife Service
Southeast Region (Region 4)
1875 Century Blvd, Suite 214
Atlanta GA 30345
(E) foiar4@fws.gov

From: Tiffany McClurkin <foiar4@fws.gov>
Sent: Tuesday, October 30, 2018 7:58 AM
To: 'Emma Postel' <epostel@selcnc.org>
Cc: 'Larry Lee' <larry_lee@fws.gov>; 'Ramona McGee' <rmcgee@selcnc.org>; 'Sierra Weaver' <sweaver@selcnc.org>; 'Heather Hillaker' <hhillaker@selcnc.org>
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Good Morning Ms. Postel,

I'm currently coordinating with the Offices of Record on the documents that I've reviewed to ensure there are no additional comments regarding the release/withholdings prior to going to the Solicitor's Office for review. I apologize for the delay, but I'm also starting the review for the production of next month as well. I'm hoping to get a response to you soon. The records will still need to be reviewed by our Solicitor's Office as well. If you would like to discuss, please feel free to give me a call at (404) 679-4104. Sorry for the delay, but we are currently working on Ms. McGee's request. Thanks for following up!

V/R

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Cc: 'Larry Lee' <larry_lee@fws.gov>; Ramona McGee <rmcgee@selcnc.org>; Sierra Weaver <sweaver@selcnc.org>; Heather Hillaker <hhillaker@selcnc.org>
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Good afternoon Ms. McClurkin,

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Sent: Wednesday, October 17, 2018 12:35 PM
To: Emma Postel
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Hello Ms. Postel,

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Thank you,

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Sent: Wednesday, October 10, 2018 4:18 PM
To: Emma Postel
Cc: 'Larry Lee'; Ramona McGee
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Hi Ms. Postel,

I received Ms. McGee's out of office reply of her being on maternity leave. From my recollection, you would be keeping track of this FOIA in her absence? Please see below email and let me know if you have any questions or concerns. Thanks!

V/R

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Good Afternoon Ms. McGee,

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the first production being on or about October 11, 2018. As explained, there are several review channels that Red Wolf requests have to be vetted through.

I would like to request an extension to get this month's production sent to your office. I've been out of the office for a week in a half due to my boyfriend being in the ER/hospital. Today is my first day back in the office and I'm trying to play catch up. If you could please allow an extension, that would be greatly appreciated.

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Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

You're welcome!

Thanks so much Mr. McGee! You have a good weekend as well!

V/R

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Cc: Emma Postel <epostel@selcnc.org>
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Thank you for the quick response, and yes, an update next week would be fine. Have a good weekend!

From: Tiffany McClurkin [<mailto:foiar4@fws.gov>]
Sent: Friday, September 07, 2018 11:43 AM
To: Ramona McGee; 'Lee, Larry'

Cc: Emma Postel
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Good Morning Mr. McGee,

I apologize for the delay in responding to your FOIA request. Please allow me to speak with Larry regarding when we can prepare an initial response for you. We are in possession of responsive records (unsure of the total) that will need to be reviewed for release determination. Can I please provide you a better timeline of our productions next week? Your help with this will be greatly appreciated. Thanks so much for your continued patience!

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Cc: Emma Postel <epostel@selcnc.org>
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Hi Tiffany and Larry,

It's been a month since we last e-mailed about this, and we still have not received an initial response. Could you give us a specific timeline of when we can expect to receive some records?

Thank you,

Ramona

From: Tiffany McClurkin [<mailto:foiar4@fws.gov>]
Sent: Monday, August 06, 2018 2:13 PM
To: Ramona McGee
Cc: 'Lee, Larry'; Emma Postel
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

You're welcome! Anytime!

V/R

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Sent: Monday, August 6, 2018 10:25 AM
To: Tiffany McClurkin <foiar4@fws.gov>
Cc: 'Lee, Larry' <larry_lee@fws.gov>; Emma Postel <epostel@selcnc.org>
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Thank you for the update.

From: Tiffany McClurkin [<mailto:foiar4@fws.gov>]
Sent: Friday, August 03, 2018 11:42 AM
To: Ramona McGee
Cc: 'Lee, Larry'
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Good Morning Mr. McGee,

The Program FOIA Point of Contact (POC) is currently working on this FOIA as well and hope to have a partial response prepared for review by next week. Thanks for your continued patience! We hope to have a partial response to you soon. Again, I've included the POC, but if you email him, please be sure to include me as well.

V/R

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(E) foiar4@fws.gov

From: Ramona McGee <rmcgee@selcnc.org>
Sent: Friday, August 3, 2018 8:40 AM
To: Tiffany McClurkin <foiar4@fws.gov>
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Hi Ms. McClurkin,

Have you heard back on the status of this request?

Thanks,

Ramona

From: Tiffany McClurkin [<mailto:foiar4@fws.gov>]
Sent: Friday, July 27, 2018 1:05 PM

To: Ramona McGee
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Good Afternoon Mr. McGee,

I'm following up with the FO on the records for your request. Thanks!

V/R

Tiffany McClurkin
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(E) foiar4@fws.gov

From: Ramona McGee <rmcgee@selcnc.org>
Sent: Thursday, July 19, 2018 10:17 AM
To: FOIA R4, FW4 <foiar4@fws.gov>
Subject: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Ms. McClurkin,

Could you please provide an update on the status of this request? Your last update said we could expect these records after February 16, 2018. Given that several months have passed since then, we assume these records should be available soon. Thank you for your help.

Best,

Ramona

From: tiffany_mcclurkin@fws.gov [mailto:tiffany_mcclurkin@fws.gov] **On Behalf Of** FOIA R4, FW4
Sent: Wednesday, January 24, 2018 7:27 AM
To: Ramona McGee
Subject: Re: FOIA FWS-2018-00274 Clarification

Good Morning Mr. McGee,

Sorry for the delayed response. I was out of the office unexpectedly last week due to a personal family matter. I have forwarded your clarification to the office responsible for processing your request. The Ecological Services point of contact is currently in possession of some records for review. They will need to go through the process of multiple reviews, including but not limited to the Solicitor's Office prior to signature. We hope to have a response to you soon. Our estimated processing completion date, according to the Electronic FOIA Tracking System (EFTS) is after February 16, 2018 as your request was placed in the exceptional/voluminous processing track, which takes over 60 workdays to process.

As a status update - At this time, to my knowledge searches were still being conducted. I will check with the responsible office to be sure. Exemption 5 (deliberative process) is the only exemption we foresee at the current time we intend to assert on the responsive material. Thanks and please let me know if you have any questions or concerns.

V/R

Tiffany McClurkin

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U.S. Fish & Wildlife Service

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On Fri, Jan 12, 2018 at 3:34 PM, Ramona McGee <rmcgee@selcnc.org> wrote:

Hi Ms. McClurkin,

Thank you for your e-mail. As to your first question, we are interested in all documents related to any official statements issued by either congressional body (including House or Senate committees), including statements within congressional reports or bill drafts. We do not intend the request to capture every statement made by an individual member of Congress.

As to the documents received in response to the ANPR, we are fine retrieving those comments from regulations.gov. Our request was intended to cover any documents beyond public comment that may have been received by FWS in response to the ANPR.

Finally, when do you anticipate responding to our request? I believe that more than 20 working days' have elapsed since we submitted our request.

Feel free to e-mail me or call me at 919.967.1450 with any additional questions.

Best,

Ramona

From: tiffany_mcclurkin@fws.gov [mailto:tiffany_mcclurkin@fws.gov] **On Behalf Of** FOIA R4, FW4
Sent: Friday, January 12, 2018 10:00 AM
To: Ramona McGee
Subject: FOIA FWS-2018-00274 Clarification

Morning Mr. McGee,

This is regarding your FOIA request, reference number FWS-2018-00274, that was submitted to our office on December 6, 2017.

Can you please provide clarification on which statements you are referring to in items 2 and 5 of your request regarding statements made by the U.S. House of Representatives in 2017 regarding the endangered Red Wolf and the U.S. Senate regarding the Red Wolf Recovery Program?

Also, what our office have in response to "documents received in response to the ANPR" are exactly what is available on www.regulations.gov. except that our documents contain PII. Are you willing to retrieve those documents from www.regulations.gov yourself? Please advise. Your help with this will be greatly appreciated.
Thanks!

V/R

Tiffany McClurkin

Government Information Specialist

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U.S. Fish & Wildlife Service

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Disclaimer

The information contained in this communication from the sender is confidential.

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Ramona McGee

From: Emma Postel
Sent: Tuesday, November 06, 2018 9:34 AM
To: Heather Hillaker; Sierra Weaver
Cc: Ramona McGee
Subject: FW: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Hello,

It has been one week since I received the update below on Ramona's red wolves FOIA request. Should I check in with her again or should we give her more time?

Thanks!

Emma

From: Tiffany McClurkin [mailto:foiar4@fws.gov]
Sent: Tuesday, October 30, 2018 7:58 AM
To: Emma Postel
Cc: 'Larry Lee'; Ramona McGee; Sierra Weaver; Heather Hillaker
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Good Morning Ms. Postel,

I'm currently coordinating with the Offices of Record on the documents that I've reviewed to ensure there are no additional comments regarding the release/withholdings prior to going to the Solicitor's Office for review. I apologize for the delay, but I'm also starting the review for the production of next month as well. I'm hoping to get a response to you soon. The records will still need to be reviewed by our Solicitor's Office as well. If you would like to discuss, please feel free to give me a call at (404) 679-4104. Sorry for the delay, but we are currently working on Ms. McGee's request. Thanks for following up!

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Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

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Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

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From: Ramona McGee <rmcgee@selcnc.org>
Sent: Thursday, July 19, 2018 10:17 AM
To: FOIA R4, FW4 <foiar4@fws.gov>
Subject: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Ms. McClurkin,

Could you please provide an update on the status of this request? Your last update said we could expect these records after February 16, 2018. Given that several months have passed since then, we assume these records should be available soon. Thank you for your help.

Best,

Ramona

From: tiffany_mcclurkin@fws.gov [mailto:tiffany_mcclurkin@fws.gov] **On Behalf Of** FOIA R4, FW4
Sent: Wednesday, January 24, 2018 7:27 AM
To: Ramona McGee
Subject: Re: FOIA FWS-2018-00274 Clarification

Good Morning Mr. McGee,

Sorry for the delayed response. I was out of the office unexpectedly last week due to a personal family matter. I have forwarded your clarification to the office responsible for processing your request. The Ecological Services point of contact is currently in possession of some records for review. They will need to go through the process of multiple reviews, including but not limited to the Solicitor's Office prior to signature. We hope to have a response to you soon. Our estimated processing completion date, according to the Electronic FOIA Tracking System (EFTS) is after February 16, 2018 as your request was placed in the exceptional/voluminous processing track, which takes over 60 workdays to process.

As a status update - At this time, to my knowledge searches were still being conducted. I will check with the responsible office to be sure. Exemption 5 (deliberative process) is the only exemption we foresee at the current time we intend to assert on the responsive material. Thanks and please let me know if you have any questions or concerns.

V/R

Tiffany McClurkin

Government Information Specialist

Freedom of Information Act (FOIA) Coordinator

U.S. Fish & Wildlife Service

Southeast Region (Region 4)

1875 Century Blvd, Suite 214

Atlanta GA 30345

(E) foiar4@fws.gov

On Fri, Jan 12, 2018 at 3:34 PM, Ramona McGee <rmcgee@selcnc.org> wrote:

Hi Ms. McClurkin,

Thank you for your e-mail. As to your first question, we are interested in all documents related to any official statements issued by either congressional body (including House or Senate committees), including statements within congressional reports or bill drafts. We do not intend the request to capture every statement made by an individual member of Congress.

As to the documents received in response to the ANPR, we are fine retrieving those comments from regulations.gov. Our request was intended to cover any documents beyond public comment that may have been received by FWS in response to the ANPR.

Finally, when do you anticipate responding to our request? I believe that more than 20 working days' have elapsed since we submitted our request.

Feel free to e-mail me or call me at 919.967.1450 with any additional questions.

Best,

Ramona

From: tiffany_mcclurkin@fws.gov [mailto:tiffany_mcclurkin@fws.gov] **On Behalf Of** FOIA R4, FW4
Sent: Friday, January 12, 2018 10:00 AM
To: Ramona McGee
Subject: FOIA FWS-2018-00274 Clarification

Morning Mr. McGee,

This is regarding your FOIA request, reference number FWS-2018-00274, that was submitted to our office on December 6, 2017.

Can you please provide clarification on which statements you are referring to in items 2 and 5 of your request regarding statements made by the U.S. House of Representatives in 2017 regarding the endangered Red Wolf and the U.S. Senate regarding the Red Wolf Recovery Program?

Also, what our office have in response to "documents received in response to the ANPR" are exactly what is available on www.regulations.gov. except that our documents contain PII. Are you willing to retrieve those documents from regulations.gov yourself? Please advise. Your help with this will be greatly appreciated. Thanks!

V/R

Tiffany McClurkin

Government Information Specialist

Freedom of Information Act (FOIA) Coordinator

U.S. Fish & Wildlife Service

Southeast Region (Region 4)

[1875 Century Blvd, Suite 214](#)

Atlanta GA 30345

(E) foiar4@fws.gov

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The information contained in this communication from the sender is confidential.

Ramona McGee

From: Tiffany McClurkin <foiar4@fws.gov>
Sent: Wednesday, November 14, 2018 11:20 AM
To: Emma Postel
Cc: 'Larry Lee'; Ramona McGee; Sierra Weaver; Heather Hillaker; John Taitano
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Good Morning Ms. Postel,

I am now sending the first batch of records to the Solicitor's Office for review today. I will send Larry Lee (Ecological Services FOIA Reviewer) an email regarding the status of the next batch of records that was due on November 11, 2018 and provide you an update as soon as possible. Thanks for your patience and I'm so sorry for the delay.

V/R

Tiffany McClurkin
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
U.S. Fish & Wildlife Service
Southeast Region (Region 4)
1875 Century Blvd, Suite 214
Atlanta GA 30345
(E) foiar4@fws.gov

From: Emma Postel <epostel@selcnc.org>
Sent: Wednesday, November 14, 2018 11:06 AM
To: 'Tiffany McClurkin' <foiar4@fws.gov>
Cc: 'Larry Lee' <larry_lee@fws.gov>; Ramona McGee <rmcgee@selcnc.org>; Sierra Weaver <sweaver@selcnc.org>; Heather Hillaker <hhillaker@selcnc.org>
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Good morning Ms. McClurkin,

Could you please give me an update on the status of our request? We are now waiting on two overdue batches of records from you, the most recent of which was due two days ago.

Thank you,

Emma Postel

From: Tiffany McClurkin [mailto:foiar4@fws.gov]
Sent: Tuesday, October 30, 2018 7:58 AM
To: Emma Postel
Cc: 'Larry Lee'; Ramona McGee; Sierra Weaver; Heather Hillaker
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Good Morning Ms. Postel,

I'm currently coordinating with the Offices of Record on the documents that I've reviewed to ensure there are no additional comments regarding the release/withholdings prior to going to the Solicitor's Office for review. I apologize for the delay, but I'm also starting the review for the production of next month as well. I'm hoping to get a response to you soon. The records will still need to be reviewed by our Solicitor's Office as well. If you would like to discuss, please feel free to give me a call at (404) 679-4104. Sorry for the delay, but we are currently working on Ms. McGee's request. Thanks for following up!

V/R

Tiffany McClurkin
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
U.S. Fish & Wildlife Service
Southeast Region (Region 4)
1875 Century Blvd, Suite 214
Atlanta GA 30345
(E) foiar4@fws.gov

From: Emma Postel <epostel@selcnc.org>
Sent: Monday, October 29, 2018 3:35 PM
To: 'Tiffany McClurkin' <foiar4@fws.gov>
Cc: 'Larry Lee' <larry_lee@fws.gov>; Ramona McGee <rmcgee@selcnc.org>; Sierra Weaver <sweaver@selcnc.org>; Heather Hillaker <hhillaker@selcnc.org>
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Good afternoon Ms. McClurkin,

Could you please give me an update on the status of our request? Your previous email indicated that we would have a response by last week.

Thank you,

Emma Postel

From: Tiffany McClurkin [<mailto:foiar4@fws.gov>]
Sent: Wednesday, October 17, 2018 12:35 PM
To: Emma Postel
Cc: 'Larry Lee'; Ramona McGee; Sierra Weaver; Heather Hillaker
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Hello Ms. Postel,

I will do my best to have a response to you by next week. I will definitely keep you posted, but there are several reviews these specific records have to go through. I don't believe this will affect the next release. If we need additional time, I will be sure to let you know. Thanks so much for your continued patience and please expect to hear from me soon.

V/R

Tiffany McClurkin
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator

U.S. Fish & Wildlife Service
Southeast Region (Region 4)
1875 Century Blvd, Suite 214
Atlanta GA 30345
(E) foiar4@fws.gov

From: Emma Postel <epostel@selcnc.org>
Sent: Friday, October 12, 2018 8:49 AM
To: 'Tiffany McClurkin' <foiar4@fws.gov>
Cc: 'Larry Lee' <larry_lee@fws.gov>; Ramona McGee <rmcgee@selcnc.org>; Sierra Weaver <sweaver@selcnc.org>; Heather Hillaker <hhillaker@selcnc.org>
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Good morning Ms. McClurkin,

My apologies for the delay in getting back to you, our office was closed yesterday due to Hurricane Michael.

Yes, I will be tracking this FOIA request until Ms. McGee returns to the office. In her absence, I am cc'ing attorneys Sierra Weaver and Heather Hillaker.

I am happy to grant the extension you requested, but could you have the first production to us by next week? Also, does this extension affect the next production of records scheduled on 11/11?

Thank you,

Emma Postel

From: Tiffany McClurkin [<mailto:foiar4@fws.gov>]
Sent: Wednesday, October 10, 2018 4:18 PM
To: Emma Postel
Cc: 'Larry Lee'; Ramona McGee
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Hi Ms. Postel,

I received Ms. McGee's out of office reply of her being on maternity leave. From my recollection, you would be keeping track of this FOIA in her absence? Please see below email and let me know if you have any questions or concerns. Thanks!

V/R

Tiffany McClurkin
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
U.S. Fish & Wildlife Service
Southeast Region (Region 4)
1875 Century Blvd, Suite 214
Atlanta GA 30345
(E) foiar4@fws.gov

From: Tiffany McClurkin <foiar4@fws.gov>
Sent: Wednesday, October 10, 2018 3:58 PM
To: 'Ramona McGee' <rmcgee@selcnc.org>; 'Lee, Larry' <larry_lee@fws.gov>
Cc: 'Emma Postel' <epostel@selcnc.org>; Larry Lee <larry_lee@fws.gov>
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Good Afternoon Ms. McGee,

I thought I had sent this email to you, but I just saw it in my draft folder. My apologies as I intended to get this email to you much sooner.

It was a pleasure speaking with you on Tuesday, September 11, 2018 regarding the status of your request. As per our discussion, we are currently in possession of records that are responsive to your request, but are unsure of the total amount. We have agreed to provide monthly productions on or around the 11th of every month, with the first production being on or about October 11, 2018. As explained, there are several review channels that Red Wolf requests have to be vetted through.

I would like to request an extension to get this month's production sent to your office. I've been out of the office for a week in a half due to my boyfriend being in the ER/hospital. Today is my first day back in the office and I'm trying to play catch up. If you could please allow an extension, that would be greatly appreciated.

V/R

Tiffany McClurkin
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
U.S. Fish & Wildlife Service
Southeast Region (Region 4)
1875 Century Blvd, Suite 214
Atlanta GA 30345
(E) foiar4@fws.gov

From: Tiffany McClurkin <foiar4@fws.gov>
Sent: Friday, September 7, 2018 1:14 PM
To: 'Ramona McGee' <rmcgee@selcnc.org>; 'Lee, Larry' <larry_lee@fws.gov>
Cc: 'Emma Postel' <epostel@selcnc.org>
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

You're welcome!

Thanks so much Mr. McGee! You have a good weekend as well!

V/R

Tiffany McClurkin
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
U.S. Fish & Wildlife Service
Southeast Region (Region 4)
1875 Century Blvd, Suite 214
Atlanta GA 30345

(E) foiar4@fws.gov

From: Ramona McGee <rmcgee@selcnc.org>
Sent: Friday, September 7, 2018 12:07 PM
To: Tiffany McClurkin <foiar4@fws.gov>; 'Lee, Larry' <larry_lee@fws.gov>
Cc: Emma Postel <epostel@selcnc.org>
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Thank you for the quick response, and yes, an update next week would be fine. Have a good weekend!

From: Tiffany McClurkin [<mailto:foiar4@fws.gov>]
Sent: Friday, September 07, 2018 11:43 AM
To: Ramona McGee; 'Lee, Larry'
Cc: Emma Postel
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Good Morning Mr. McGee,

I apologize for the delay in responding to your FOIA request. Please allow me to speak with Larry regarding when we can prepare an initial response for you. We are in possession of responsive records (unsure of the total) that will need to be reviewed for release determination. Can I please provide you a better timeline of our productions next week? Your help with this will be greatly appreciated. Thanks so much for your continued patience!

V/R

Tiffany McClurkin
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
U.S. Fish & Wildlife Service
Southeast Region (Region 4)
1875 Century Blvd, Suite 214
Atlanta GA 30345
(E) foiar4@fws.gov

From: Ramona McGee <rmcgee@selcnc.org>
Sent: Friday, September 7, 2018 11:07 AM
To: Tiffany McClurkin <foiar4@fws.gov>; 'Lee, Larry' <larry_lee@fws.gov>
Cc: Emma Postel <epostel@selcnc.org>
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Hi Tiffany and Larry,

It's been a month since we last e-mailed about this, and we still have not received an initial response. Could you give us a specific timeline of when we can expect to receive some records?

Thank you,

Ramona

From: Tiffany McClurkin [<mailto:foiar4@fws.gov>]
Sent: Monday, August 06, 2018 2:13 PM
To: Ramona McGee
Cc: 'Lee, Larry'; Emma Postel
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

You're welcome! Anytime!

V/R

Tiffany McClurkin
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
U.S. Fish & Wildlife Service
Southeast Region (Region 4)
1875 Century Blvd, Suite 214
Atlanta GA 30345
(E) foiar4@fws.gov

From: Ramona McGee <rmcgee@selcnc.org>
Sent: Monday, August 6, 2018 10:25 AM
To: Tiffany McClurkin <foiar4@fws.gov>
Cc: 'Lee, Larry' <larry_lee@fws.gov>; Emma Postel <epostel@selcnc.org>
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Thank you for the update.

From: Tiffany McClurkin [<mailto:foiar4@fws.gov>]
Sent: Friday, August 03, 2018 11:42 AM
To: Ramona McGee
Cc: 'Lee, Larry'
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Good Morning Mr. McGee,

The Program FOIA Point of Contact (POC) is currently working on this FOIA as well and hope to have a partial response prepared for review by next week. Thanks for your continued patience! We hope to have a partial response to you soon. Again, I've included the POC, but if you email him, please be sure to include me as well.

V/R

Tiffany McClurkin
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
U.S. Fish & Wildlife Service
Southeast Region (Region 4)
1875 Century Blvd, Suite 214
Atlanta GA 30345
(E) foiar4@fws.gov

From: Ramona McGee <rmcgee@selcnc.org>
Sent: Friday, August 3, 2018 8:40 AM

To: Tiffany McClurkin <foiar4@fws.gov>
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Hi Ms. McClurkin,

Have you heard back on the status of this request?

Thanks,

Ramona

From: Tiffany McClurkin [<mailto:foiar4@fws.gov>]
Sent: Friday, July 27, 2018 1:05 PM
To: Ramona McGee
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Good Afternoon Mr. McGee,

I'm following up with the FO on the records for your request. Thanks!

V/R

Tiffany McClurkin
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
U.S. Fish & Wildlife Service
Southeast Region (Region 4)
1875 Century Blvd, Suite 214
Atlanta GA 30345
(E) foiar4@fws.gov

From: Ramona McGee <rmcgee@selcnc.org>
Sent: Thursday, July 19, 2018 10:17 AM
To: FOIA R4, FW4 <foiar4@fws.gov>
Subject: [EXTERNAL] RE: FOIA FWS-2018-00274 Clarification

Ms. McClurkin,

Could you please provide an update on the status of this request? Your last update said we could expect these records after February 16, 2018. Given that several months have passed since then, we assume these records should be available soon. Thank you for your help.

Best,

Ramona

From: tiffany_mcclurkin@fws.gov [mailto:tiffany_mcclurkin@fws.gov] **On Behalf Of** FOIA R4, FW4
Sent: Wednesday, January 24, 2018 7:27 AM
To: Ramona McGee
Subject: Re: FOIA FWS-2018-00274 Clarification

Good Morning Mr. McGee,

Sorry for the delayed response. I was out of the office unexpectedly last week due to a personal family matter. I have forwarded your clarification to the office responsible for processing your request. The Ecological Services point of contact is currently in possession of some records for review. They will need to go through the process of multiple reviews, including but not limited to the Solicitor's Office prior to signature. We hope to have a response to you soon. Our estimated processing completion date, according to the Electronic FOIA Tracking System (EFTS) is after February 16, 2018 as your request was placed in the exceptional/voluminous processing track, which takes over 60 workdays to process.

As a status update - At this time, to my knowledge searches were still being conducted. I will check with the responsible office to be sure. Exemption 5 (deliberative process) is the only exemption we foresee at the current time we intend to assert on the responsive material. Thanks and please let me know if you have any questions or concerns.

V/R

Tiffany McClurkin

Government Information Specialist

Freedom of Information Act (FOIA) Coordinator

U.S. Fish & Wildlife Service

Southeast Region (Region 4)

1875 Century Blvd, Suite 214

Atlanta GA 30345

(E) foiar4@fws.gov

On Fri, Jan 12, 2018 at 3:34 PM, Ramona McGee <rmcgee@selcnc.org> wrote:

Hi Ms. McClurkin,

Thank you for your e-mail. As to your first question, we are interested in all documents related to any official statements issued by either congressional body (including House or Senate committees), including statements within congressional reports or bill drafts. We do not intend the request to capture every statement made by an individual member of Congress.

As to the documents received in response to the ANPR, we are fine retrieving those comments from [regulations.gov](http://www.regulations.gov). Our request was intended to cover any documents beyond public comment that may have been received by FWS in response to the ANPR.

Finally, when do you anticipate responding to our request? I believe that more than 20 working days' have elapsed since we submitted our request.

Feel free to e-mail me or call me at 919.967.1450 with any additional questions.

Best,

Ramona

From: tiffany_mcclurkin@fws.gov [mailto:tiffany_mcclurkin@fws.gov] **On Behalf Of** FOIA R4, FW4
Sent: Friday, January 12, 2018 10:00 AM
To: Ramona McGee
Subject: FOIA FWS-2018-00274 Clarification

Morning Mr. McGee,

This is regarding your FOIA request, reference number FWS-2018-00274, that was submitted to our office on December 6, 2017.

Can you please provide clarification on which statements you are referring to in items 2 and 5 of your request regarding statements made by the U.S. House of Representatives in 2017 regarding the endangered Red Wolf and the U.S. Senate regarding the Red Wolf Recovery Program?

Also, what our office have in response to "documents received in response to the ANPR" are exactly what is available on www.regulations.gov. except that our documents contain PII. Are you willing to retrieve those documents from [regulations.gov](http://www.regulations.gov) yourself? Please advise. Your help with this will be greatly appreciated.
Thanks!

V/R

Tiffany McClurkin

Government Information Specialist

Freedom of Information Act (FOIA) Coordinator

U.S. Fish & Wildlife Service

Southeast Region (Region 4)

[1875 Century Blvd, Suite 214](#)

Atlanta GA 30345

(E) foiar4@fws.gov

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Ramona McGee

From: Tiffany McClurkin <tiffany_mcclurkin@fws.gov>
Sent: Thursday, February 21, 2019 9:51 AM
To: Ramona McGee
Cc: Larry Lee; Heather Hillaker
Subject: RE: [EXTERNAL] Overdue FOIA Requests - updates requested
Attachments: smime.p7s

Hi Ms. McGee,

I'm so sorry. I thought I responded to this email. The response you received was only a partial response. More records will be forthcoming. I'm awaiting the records from Mr. Larry Lee and as soon as I receive those I will be sending you a follow-up email to inform you of when you will receive your next response as I'm unsure how many records will be given to me for review.

V/R

Tiffany McClurkin
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
U.S. Fish & Wildlife Service
Southeast Region (Region 4)
1875 Century Blvd, Suite 218
Atlanta GA 30345
(O) (404) 679-4104
(E) tiffany_mcclurkin@fws.gov

From: Ramona McGee <rmcgee@selcnc.org>
Sent: Wednesday, February 13, 2019 11:34 AM
To: Tiffany McClurkin <tiffany_mcclurkin@fws.gov>
Cc: Larry Lee <larry_lee@fws.gov>; Heather Hillaker <hhillaker@selcnc.org>
Subject: RE: [EXTERNAL] Overdue FOIA Requests - updates requested

Hi Tiffany,

We received the partial response yesterday—but I have a point of clarification. Will we be receiving additional partial responses to the FWS-2018-00274 FOIA? Or was this partial response also a final response? That is not entirely clear in the letter accompanying the response.

Thanks,

Ramona

From: Tiffany McClurkin [mailto:tiffany_mcclurkin@fws.gov]
Sent: Monday, February 11, 2019 4:09 PM
To: Ramona McGee
Cc: Larry Lee; Heather Hillaker
Subject: RE: [EXTERNAL] Overdue FOIA Requests - updates requested

Good Afternoon Ms. McGee,

I am sending a partial response today via FedEx for FWS-2018-00274. The FedEx tracking number is 7744 4232 8488. Please expect to hear from me later this week regarding an estimated date in which I will be able to send partial responses for your other outstanding FOIAs. Thanks for your continued patience!

Have a wonderful evening!

V/R

Tiffany McClurkin
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
U.S. Fish & Wildlife Service
Southeast Region (Region 4)
1875 Century Blvd, Suite 218
Atlanta GA 30345
(O) (404) 679-4104
(E) tiffany_mcclurkin@fws.gov

From: Ramona McGee <rmcgee@selcnc.org>
Sent: Monday, February 11, 2019 10:23 AM
To: Tiffany McClurkin <tiffany_mcclurkin@fws.gov>
Cc: Larry Lee <larry_lee@fws.gov>; Heather Hillaker <hhillaker@selcnc.org>
Subject: RE: [EXTERNAL] Overdue FOIA Requests - updates requested

Thank you for these updates. We look forward to receiving these partial responses and information about when we can expect future partial responses.

From: Tiffany McClurkin [mailto:tiffany_mcclurkin@fws.gov]
Sent: Friday, February 08, 2019 4:03 PM
To: Ramona McGee
Cc: Larry Lee; Heather Hillaker
Subject: RE: [EXTERNAL] Overdue FOIA Requests - updates requested

Hi Ms. McGee,

Listed below are status' for your outstanding requests.

- FWS-2018-00274: Partial Response will be mailed by FedEx'd by Monday, February 11, 2019 and tracking number will be emailed to you. The ES FOIA Coordinator will provide an additional partial response to me no later than February 15, 2019. Upon receipt of the records from ES FOIA Coordinator, I will be able to provide you with a date in which I can get the next partial response to you.
- FWS-2018-00602: ES FOIA Coordinator will provide a partial response to me no later than February 14, 2019. Upon receipt of the records from ES FOIA Coordinator, I will be able to provide you with a date in which I can get the next partial response to you.
- FWS-2018-00542: ES FOIA Coordinator will provide an additional partial response to me no later than February 14, 2019. Upon receipt of the records from ES FOIA Coordinator, I will be able to provide you with a date in which I can get the next partial response to you.

- FWS-2019-00203: ES FOIA Coordinator will provide a partial response to me no later than February 13, 2019. Upon receipt of the records from ES FOIA Coordinator, I will be able to provide you with a date in which I can get the next partial response to you.

Please expect to hear from me next week regarding dates in which I will be able to provide records after they have been received from the ES FOIA Coordinator. I will review them as quickly as possible upon receipt. Thanks so much for your continued patience! Please feel free to give myself or Larry a call if you have any questions or concerns.

Larry and I will discuss completion dates of your FOIAs as well.

Have a wonderful weekend and again please expect to hear from me next week!

V/R

Tiffany McClurkin
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
U.S. Fish & Wildlife Service
Southeast Region (Region 4)
1875 Century Blvd, Suite 218
Atlanta GA 30345
(O) (404) 679-4104
(E) tiffany_mcclurkin@fws.gov

From: Tiffany McClurkin <tiffany_mcclurkin@fws.gov>
Sent: Friday, February 8, 2019 2:40 PM
To: 'Ramona McGee' <rmcgee@selcnc.org>
Cc: Larry Lee <larry_lee@fws.gov>; 'Heather Hillaker' <hhillaker@selcnc.org>
Subject: RE: [EXTERNAL] Overdue FOIA Requests - updates requested

Good Afternoon Ms. McGee,

Update: Larry is currently working on providing status' regarding your FOIAs. I will have those status' to you later this evening. I will be sending a partial response to you on Monday, February 11, 2019 for FWS-2018-00274. There is one remaining review to be conducted for the partial response of FWS-2018-00274, which will be complete by Monday, February 11, 2019. We apologize for the delay and hope to have remaining records to you more quickly.

V/R

Tiffany McClurkin
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
U.S. Fish & Wildlife Service
Southeast Region (Region 4)
1875 Century Blvd, Suite 218
Atlanta GA 30345
(O) (404) 679-4104
(E) tiffany_mcclurkin@fws.gov

From: Tiffany McClurkin <tiffany_mcclurkin@fws.gov>
Sent: Wednesday, February 6, 2019 9:59 AM
To: Ramona McGee <rmcgee@selcnc.org>
Cc: Larry Lee <larry_lee@fws.gov>; Heather Hillaker <hhillaker@selcnc.org>
Subject: RE: [EXTERNAL] Overdue FOIA Requests - updates requested

Thanks so much Ms. McGee!

V/R

Tiffany McClurkin
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
U.S. Fish & Wildlife Service
Southeast Region (Region 4)
1875 Century Blvd, Suite 218
Atlanta GA 30345
(O) (404) 679-4104
(E) tiffany_mcclurkin@fws.gov

From: Ramona McGee <rmcgee@selcnc.org>
Sent: Wednesday, February 6, 2019 9:55 AM
To: Tiffany McClurkin <tiffany_mcclurkin@fws.gov>
Cc: Larry Lee <larry_lee@fws.gov>; Heather Hillaker <hhillaker@selcnc.org>
Subject: RE: [EXTERNAL] Overdue FOIA Requests - updates requested

Great, an update by Friday will be fine. Thanks.

From: Tiffany McClurkin [mailto:tiffany_mcclurkin@fws.gov]
Sent: Wednesday, February 06, 2019 9:31 AM
To: Ramona McGee
Cc: Larry Lee; Heather Hillaker
Subject: RE: [EXTERNAL] Overdue FOIA Requests - updates requested

Thank you!!!!

Yes ma'am, Friday, February 8, 2019.

V/R

Tiffany McClurkin
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
U.S. Fish & Wildlife Service
Southeast Region (Region 4)
1875 Century Blvd, Suite 218
Atlanta GA 30345
(O) (404) 679-4104
(E) tiffany_mcclurkin@fws.gov

From: Ramona McGee <rmcgee@selcnc.org>
Sent: Wednesday, February 6, 2019 9:29 AM
To: Tiffany Mcclurkin <tiffany_mcclurkin@fws.gov>
Cc: Larry Lee <larry_lee@fws.gov>; Heather Hillaker <hhillaker@selcnc.org>
Subject: RE: [EXTERNAL] Overdue FOIA Requests - updates requested

Hi Tiffany,

Happy New Year to you as well! Do you mean Friday, Feb. 8th?

Thanks,

Ramona

From: Tiffany Mcclurkin [mailto:tiffany_mcclurkin@fws.gov]
Sent: Wednesday, February 06, 2019 9:28 AM
To: Ramona McGee
Cc: Larry Lee; Heather Hillaker
Subject: RE: [EXTERNAL] Overdue FOIA Requests - updates requested

Good Morning Ms. McGee and Happy New Year!

Can you please allow me until Friday, February 6, 2019 to provide you updates on your outstanding FOIA requests? I am working on getting a partial response to you for FWS-2018-00274 and hope to have this to you by Friday as well. Your help with this will be greatly appreciated. Thanks!

V/R

Tiffany McClurkin
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
U.S. Fish & Wildlife Service
Southeast Region (Region 4)
1875 Century Blvd, Suite 218
Atlanta GA 30345
(O) (404) 679-4104
(E) tiffany_mcclurkin@fws.gov

From: Ramona McGee <rmcgee@selcnc.org>
Sent: Tuesday, February 5, 2019 4:32 PM
To: Tiffany Mcclurkin <tiffany_mcclurkin@fws.gov>
Cc: 'Lee, Larry' <larry_lee@fws.gov>; Heather Hillaker <hhillaker@selcnc.org>
Subject: [EXTERNAL] Overdue FOIA Requests - updates requested

Hi Tiffany,

I am following-up on a voicemail I left you last Friday, February 1st, regarding the status of several outstanding FOIA requests. As noted in my message, some of these requests have been pending for several months or more than a year. In particular, with the request regarding red wolves, I believe FWS had committed to a rolling production of documents beginning in October 2018 which has not happened. Could you please provide me with a status update on each of the following? I am happy to discuss over the phone if convenient.

- FWS FOIA re: Red wolves, sent Dec. 6, 2017 – tracking number FWS-2018-00274
- FWS FOIA re: Palmetto-Peartree Preserve, sent Mar. 20, 2018 – tracking number FWS-2018-00602
- FWS FOIA re: Complete 540 & mussels, sent Feb. 8, 2018 – tracking number FWS-2018-00542
- FWS FOIA re: Red cockaded woodpeckers biological assessment, sent Nov. 29, 2018—tracking number FWS-2019-00203 (sent by Heather Hillaker)

Thank you,

Ramona

--

Ramona H. McGee

Staff Attorney | [Southern Environmental Law Center](#)

601 West Rosemary Street, Suite 220 | Chapel Hill, NC 27516-2356

T: 919-967-1450 | F: 919-929-9421 | Email: rmcgee@selcnc.org

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 Please consider the environment before printing this email.

Ramona McGee

From: Tiffany McClurkin <tiffany_mcclurkin@fws.gov>
Sent: Wednesday, March 06, 2019 8:17 PM
To: Ramona McGee
Cc: Larry Lee; Heather Hillaker
Subject: RE: [EXTERNAL] Overdue FOIA Requests - updates requested
Attachments: smime.p7s

Hello Ms. McGee,

I wanted to provide you with an update regarding two of your FOIAs. I have been advised by the ES FOIA Coordinator that records for the below FOIAs will be provided to my office by Friday, March 8, 2019. Once I receive the records, I will be able to give you a better idea of when I will be able to send the responses to you.

- FWS-2018-00274: Documents for 2nd Partial Response will be provided to my office by ES FOIA Coordinator on Friday, March 8, 2019
- FWS-2018-00602: Documents for 1st Partial Response will be provided to my office by ES FOIA Coordinator on Friday, March 8, 2019

V/R

Tiffany McClurkin
U.S. Fish & Wildlife Service
Headquarters Information Resources & Technology Management
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
(O) (404) 679-4104
(E) tiffany_mcclurkin@fws.gov

From: Tiffany McClurkin <tiffany_mcclurkin@fws.gov>
Sent: Wednesday, February 27, 2019 7:50 AM
To: 'Ramona McGee' <rmcgee@selcnc.org>
Cc: Larry Lee <larry_lee@fws.gov>; 'Heather Hillaker' <hhillaker@selcnc.org>
Subject: RE: [EXTERNAL] Overdue FOIA Requests - updates requested

Good Morning Ms. McGee,

I'm so sorry for the delay, but my office have not received records for your FOIAs from Mr. Larry Lee. As soon as those records are in my possession, I will give you a timeframe in which I will be able to send you a partial response. After speaking with him yesterday, he advised that he should have two of the partial responses to me for review no later than Friday. Granted I'm unsure how many records will be given to my office and if there are potential withholds. Dependent upon the volume, it shouldn't take very long for my review at all, but if there are withholds, we will need to send the records to the Solicitor's Office for review and to External Affairs for review as well. Neither of those offices take very long at all. Thanks so much Ms. McGee for your continued patience!

V/R

Tiffany McClurkin
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
U.S. Fish & Wildlife Service
Southeast Region (Region 4)
1875 Century Blvd, Suite 218
Atlanta GA 30345
(O) (404) 679-4104
(E) tiffany_mcclurkin@fws.gov

From: Ramona McGee <rmcgee@selcnc.org>
Sent: Tuesday, February 26, 2019 4:25 PM
To: Tiffany McClurkin <tiffany_mcclurkin@fws.gov>
Cc: Larry Lee <larry_lee@fws.gov>; Heather Hillaker <hhillaker@selcnc.org>
Subject: RE: [EXTERNAL] Overdue FOIA Requests - updates requested

Ms. McClurkin,

Checking on the status of these again. Thanks.

-Ramona

From: Tiffany McClurkin [mailto:tiffany_mcclurkin@fws.gov]
Sent: Thursday, February 21, 2019 9:55 AM
To: Ramona McGee
Cc: Larry Lee; Heather Hillaker
Subject: RE: [EXTERNAL] Overdue FOIA Requests - updates requested

Good Morning Ms. McGee,

I followed up with Mr. Larry Lee this morning regarding the records. As soon as I receive those records, I will send a follow-up. I'm hoping that I can send you an update by tomorrow. Thanks for your patience!

V/R

Tiffany McClurkin
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
U.S. Fish & Wildlife Service
Southeast Region (Region 4)
1875 Century Blvd, Suite 218
Atlanta GA 30345
(O) (404) 679-4104
(E) tiffany_mcclurkin@fws.gov

From: Ramona McGee <rmcgee@selcnc.org>
Sent: Thursday, February 21, 2019 9:32 AM
To: Tiffany McClurkin <tiffany_mcclurkin@fws.gov>
Cc: Larry Lee <larry_lee@fws.gov>; Heather Hillaker <hhillaker@selcnc.org>
Subject: RE: [EXTERNAL] Overdue FOIA Requests - updates requested

Ms. McClurkin,

We have still not received any updates as to when to expect next partial responses for any of this requests. I also did not receive a response to my query about the partial denial letter we received regarding FWS-2018-00274. Can you please provide us with that information by tomorrow?

Thanks,
Ramona

From: Tiffany McClurkin [mailto:tiffany_mcclurkin@fws.gov]
Sent: Monday, February 11, 2019 4:09 PM
To: Ramona McGee
Cc: Larry Lee; Heather Hillaker
Subject: RE: [EXTERNAL] Overdue FOIA Requests - updates requested

Good Afternoon Ms. McGee,

I am sending a partial response today via FedEx for FWS-2018-00274. The FedEx tracking number is 7744 4232 8488. Please expect to hear from me later this week regarding an estimated date in which I will be able to send partial responses for your other outstanding FOIAs. Thanks for your continued patience!

Have a wonderful evening!

V/R

Tiffany McClurkin
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
U.S. Fish & Wildlife Service
Southeast Region (Region 4)
1875 Century Blvd, Suite 218
Atlanta GA 30345
(O) (404) 679-4104
(E) tiffany_mcclurkin@fws.gov

From: Ramona McGee <rmcgee@selcnc.org>
Sent: Monday, February 11, 2019 10:23 AM
To: Tiffany McClurkin <tiffany_mcclurkin@fws.gov>
Cc: Larry Lee <larry_lee@fws.gov>; Heather Hillaker <hillaker@selcnc.org>
Subject: RE: [EXTERNAL] Overdue FOIA Requests - updates requested

Thank you for these updates. We look forward to receiving these partial responses and information about when we can expect future partial responses.

From: Tiffany McClurkin [mailto:tiffany_mcclurkin@fws.gov]
Sent: Friday, February 08, 2019 4:03 PM
To: Ramona McGee
Cc: Larry Lee; Heather Hillaker
Subject: RE: [EXTERNAL] Overdue FOIA Requests - updates requested

Hi Ms. McGee,

Listed below are status' for your outstanding requests.

- FWS-2018-00274: Partial Response will be mailed by FedEx'd by Monday, February 11, 2019 and tracking number will be emailed to you. The ES FOIA Coordinator will provide an additional partial response to me no later than February 15, 2019. Upon receipt of the records from ES FOIA Coordinator, I will be able to provide you with a date in which I can get the next partial response to you.
- FWS-2018-00602: ES FOIA Coordinator will provide a partial response to me no later than February 14, 2019. Upon receipt of the records from ES FOIA Coordinator, I will be able to provide you with a date in which I can get the next partial response to you.
- FWS-2018-00542: ES FOIA Coordinator will provide an additional partial response to me no later than February 14, 2019. Upon receipt of the records from ES FOIA Coordinator, I will be able to provide you with a date in which I can get the next partial response to you.
- FWS-2019-00203: ES FOIA Coordinator will provide a partial response to me no later than February 13, 2019. Upon receipt of the records from ES FOIA Coordinator, I will be able to provide you with a date in which I can get the next partial response to you.

Please expect to hear from me next week regarding dates in which I will be able to provide records after they have been received from the ES FOIA Coordinator. I will review them as quickly as possible upon receipt. Thanks so much for you continued patience! Please feel free to give myself or Larry a call if you have any questions or concerns.

Larry and I will discuss completion dates of your FOIAs as well.

Have a wonderful weekend and again please expect to hear from me next week!

V/R

Tiffany McClurkin
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
U.S. Fish & Wildlife Service
Southeast Region (Region 4)
1875 Century Blvd, Suite 218
Atlanta GA 30345
(O) (404) 679-4104
(E) tiffany_mcclurkin@fws.gov

From: Tiffany McClurkin <tiffany_mcclurkin@fws.gov>
Sent: Friday, February 8, 2019 2:40 PM
To: 'Ramona McGee' <rmcgee@selcnc.org>
Cc: Larry Lee <larry_lee@fws.gov>; 'Heather Hillaker' <hhillaker@selcnc.org>
Subject: RE: [EXTERNAL] Overdue FOIA Requests - updates requested

Good Afternoon Ms. McGee,

Update: Larry is currently working on providing status' regarding your FOIAs. I will have those status' to you later this evening. I will be sending a partial response to you on Monday, February 11, 2019 for FWS-2018-00274. There is one remaining review to be conducted for the partial response of FWS-2018-00274, which will be complete by Monday, February 11, 2019. We apologize for the delay and hope to have remaining records to you more quickly.

V/R

Tiffany McClurkin
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
U.S. Fish & Wildlife Service
Southeast Region (Region 4)
1875 Century Blvd, Suite 218
Atlanta GA 30345
(O) (404) 679-4104
(E) tiffany_mcclurkin@fws.gov

From: Tiffany McClurkin <tiffany_mcclurkin@fws.gov>
Sent: Wednesday, February 6, 2019 9:59 AM
To: Ramona McGee <rmcgee@selcnc.org>
Cc: Larry Lee <larry_lee@fws.gov>; Heather Hillaker <hhillaker@selcnc.org>
Subject: RE: [EXTERNAL] Overdue FOIA Requests - updates requested

Thanks so much Ms. McGee!

V/R

Tiffany McClurkin
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
U.S. Fish & Wildlife Service
Southeast Region (Region 4)
1875 Century Blvd, Suite 218
Atlanta GA 30345
(O) (404) 679-4104
(E) tiffany_mcclurkin@fws.gov

From: Ramona McGee <rmcgee@selcnc.org>
Sent: Wednesday, February 6, 2019 9:55 AM
To: Tiffany McClurkin <tiffany_mcclurkin@fws.gov>
Cc: Larry Lee <larry_lee@fws.gov>; Heather Hillaker <hhillaker@selcnc.org>
Subject: RE: [EXTERNAL] Overdue FOIA Requests - updates requested

Great, an update by Friday will be fine. Thanks.

From: Tiffany McClurkin [mailto:tiffany_mcclurkin@fws.gov]
Sent: Wednesday, February 06, 2019 9:31 AM
To: Ramona McGee
Cc: Larry Lee; Heather Hillaker
Subject: RE: [EXTERNAL] Overdue FOIA Requests - updates requested

Thank you!!!!

Yes ma'am, Friday, February 8, 2019.

V/R

Tiffany McClurkin
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
U.S. Fish & Wildlife Service
Southeast Region (Region 4)
1875 Century Blvd, Suite 218
Atlanta GA 30345
(O) (404) 679-4104
(E) tiffany_mcclurkin@fws.gov

From: Ramona McGee <rmcgee@selcnc.org>
Sent: Wednesday, February 6, 2019 9:29 AM
To: Tiffany McClurkin <tiffany_mcclurkin@fws.gov>
Cc: Larry Lee <larry_lee@fws.gov>; Heather Hillaker <hhillaker@selcnc.org>
Subject: RE: [EXTERNAL] Overdue FOIA Requests - updates requested

Hi Tiffany,

Happy New Year to you as well! Do you mean Friday, Feb. 8th?

Thanks,

Ramona

From: Tiffany McClurkin [mailto:tiffany_mcclurkin@fws.gov]
Sent: Wednesday, February 06, 2019 9:28 AM
To: Ramona McGee
Cc: Larry Lee; Heather Hillaker
Subject: RE: [EXTERNAL] Overdue FOIA Requests - updates requested

Good Morning Ms. McGee and Happy New Year!

Can you please allow me until Friday, February 6, 2019 to provide you updates on your outstanding FOIA requests? I am working on getting a partial response to you for FWS-2018-00274 and hope to have this to you by Friday as well. Your help with this will be greatly appreciated. Thanks!

V/R

Tiffany McClurkin
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
U.S. Fish & Wildlife Service
Southeast Region (Region 4)
1875 Century Blvd, Suite 218
Atlanta GA 30345
(O) (404) 679-4104
(E) tiffany_mcclurkin@fws.gov

From: Ramona McGee <rmcgee@selcnc.org>
Sent: Tuesday, February 5, 2019 4:32 PM

To: Tiffany McClurkin <tiffany_mcclurkin@fws.gov>
Cc: 'Lee, Larry' <larry_lee@fws.gov>; Heather Hillaker <hhillaker@selcnc.org>
Subject: [EXTERNAL] Overdue FOIA Requests - updates requested

Hi Tiffany,

I am following-up on a voicemail I left you last Friday, February 1st, regarding the status of several outstanding FOIA requests. As noted in my message, some of these requests have been pending for several months or more than a year. In particular, with the request regarding red wolves, I believe FWS had committed to a rolling production of documents beginning in October 2018 which has not happened. Could you please provide me with a status update on each of the following? I am happy to discuss over the phone if convenient.

- FWS FOIA re: Red wolves, sent Dec. 6, 2017 – tracking number FWS-2018-00274
- FWS FOIA re: Palmetto-Peartree Preserve, sent Mar. 20, 2018 – tracking number FWS-2018-00602
- FWS FOIA re: Complete 540 & mussels, sent Feb. 8, 2018 – tracking number FWS-2018-00542
- FWS FOIA re: Red cockaded woodpeckers biological assessment, sent Nov. 29, 2018—tracking number FWS-2019-00203 (sent by Heather Hillaker)

Thank you,

Ramona

--

Ramona H. McGee

Staff Attorney | [Southern Environmental Law Center](#)

601 West Rosemary Street, Suite 220 | Chapel Hill, NC 27516-2356

T: 919-967-1450 | F: 919-929-9421 | Email: rmcgee@selcnc.org

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Ramona McGee

From: Tiffany McClurkin <foiar4@fws.gov>
Sent: Friday, April 05, 2019 6:07 AM
To: Ramona McGee
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00602 1st Partial Response Update

Hi Ms. McGee,

You're very welcome! Again, I'm very sorry for the mix-up!

I will have to check with Mr. Larry Lee (Ecological Services FOIA Coordinator) on when the next response will be coming to my office for review. I'm so sorry that I do not have an immediate answer for you, but I will definitely send him an email. He has been on leave all this week and should be returning today. I hope to get you an answer today, but if not please allow me until next week. Thanks so much for your continued patience!

V/R

Tiffany McClurkin
U.S. Fish & Wildlife Service
Headquarters Information Resources & Technology Management
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
(E) foiar4@fws.gov

From: Ramona McGee <rmcgee@selcnc.org>
Sent: Thursday, April 4, 2019 4:16 PM
To: Tiffany McClurkin <foiar4@fws.gov>
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00602 1st Partial Response Update

Hi Tiffany,

Thank you for the clarification. No need for an additional disk, but I appreciate your offer.

Speaking of the FWS-2018-00274 request, when can we expect the second partial response? I believe you had mentioned receiving the documents for your review recently.

Best,

Ramona

From: Tiffany McClurkin [<mailto:foiar4@fws.gov>]
Sent: Thursday, April 04, 2019 2:42 PM
To: Ramona McGee
Cc: 'Larry Lee'; 'Guy Schein'
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00602 1st Partial Response Update

Good Afternoon Ms. McGee,

I'm so sorry! That was an accident on my part. It sounds like I accidentally included records for both of your FOIAs on one disk. It should have only been the 1st partial response for FWS-2018-00602 (23 documents). The other twenty (20) documents is not an additional response to your red wolf FOIA. Those records were already released to you in your 1st Partial Response for FWS-2018-00274. To not confuse things, I can send you another disk with ONLY your 1st Partial Response for FWS-2018-00602. Again, I apologize for any confusion. If you would like for me to send the disk with only your records for FWS-2018-00602, please let me know and I will get that in the mail for you today. Please let me know. Thank you!

V/R

Tiffany McClurkin
U.S. Fish & Wildlife Service
Headquarters Information Resources & Technology Management
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
(E) foiar4@fws.gov

From: Ramona McGee <rmcgee@selcnc.org>
Sent: Thursday, April 4, 2019 2:17 PM
To: Tiffany McClurkin <foiar4@fws.gov>
Cc: 'Larry Lee' <larry_lee@fws.gov>; 'Guy Schein' <guy_schein@fws.gov>
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00602 1st Partial Response Update

Hi Tiffany,

We received these records, however, the CD contains what appears to be a mix of records responsive to our Palmetto-Peartree Preserve FOIA (No. FWS-2018-00602) and our red wolf FOIA (No. FWS-2018-00274). There are a total of 43 documents. Could you please clarify the contents of the CD we received last Friday? Are the additional documents a second partial response to our red wolf FOIA?

Thank you for your help.

-Ramona

From: Tiffany McClurkin [<mailto:foiar4@fws.gov>]
Sent: Thursday, March 28, 2019 9:36 AM
To: Ramona McGee
Cc: 'Larry Lee'; 'Guy Schein'
Subject: RE: [EXTERNAL] RE: FOIA FWS-2018-00602 1st Partial Response Update

You're always welcome!

V/R

Tiffany McClurkin
U.S. Fish & Wildlife Service
Headquarters Information Resources & Technology Management
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
(E) foiar4@fws.gov

From: Ramona McGee <rmcgee@selcnc.org>
Sent: Thursday, March 28, 2019 9:14 AM
To: Tiffany McClurkin <foiar4@fws.gov>
Cc: 'Larry Lee' <larry_lee@fws.gov>; 'Guy Schein' <guy_schein@fws.gov>
Subject: [EXTERNAL] RE: FOIA FWS-2018-00602 1st Partial Response Update

Thank you for the update.

From: Tiffany McClurkin [<mailto:foiar4@fws.gov>]
Sent: Thursday, March 28, 2019 6:38 AM
To: Ramona McGee
Cc: 'Larry Lee'; 'Guy Schein'
Subject: RE: FOIA FWS-2018-00602 1st Partial Response Update

Good Morning Ms. McGee,

I have finished the review of your 1st Partial Response and will be sending it via FedEx today. Your FedEx tracking number is 7748 1960 3599. You should receive your package by Friday, March 29, 2019 at 3:00 p.m. Thanks so much for your patience!

Have a wonderful day!

V/R

Tiffany McClurkin
U.S. Fish & Wildlife Service
Headquarters Information Resources & Technology Management
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
(E) foiar4@fws.gov

From: Tiffany McClurkin <foiar4@fws.gov>
Sent: Wednesday, March 27, 2019 6:15 AM
To: 'Ramona McGee' <rmcgee@selcnc.org>
Cc: 'Larry Lee' <larry_lee@fws.gov>; 'Guy Schein' <guy_schein@fws.gov>
Subject: RE: FOIA FWS-2018-00602 1st Partial Response Update

Good Morning Ms. McGee,

I will be finishing the review of your 1st Partial Response today. I wanted to provide you with a status update. Thanks!

V/R

Tiffany McClurkin
U.S. Fish & Wildlife Service
Headquarters Information Resources & Technology Management
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
(E) foiar4@fws.gov

From: Tiffany McClurkin <foiar4@fws.gov>
Sent: Friday, March 22, 2019 2:23 PM
To: 'Ramona McGee' <rmcgee@selcnc.org>
Cc: Larry Lee <larry_lee@fws.gov>; Guy Schein <guy_schein@fws.gov>
Subject: FOIA FWS-2018-00602 1st Partial Response Update

Good Afternoon Ms. McGee,

I wanted to provide you with an update regarding the 1st Partial response for FWS-2018-00602. Mr. Lee have provided 28 records to my office for review and I'm currently in the process of reviewing those documents. I hope to have those records to you no later than Tuesday, March 26, 2019. Thanks so much for your continued patience!

Have a wonderful weekend!

V/R

Tiffany McClurkin
U.S. Fish & Wildlife Service
Headquarters Information Resources & Technology Management
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
(E) foiar4@fws.gov

Ramona McGee

From: Ramona McGee
Sent: Friday, April 26, 2019 9:06 AM
To: 'Tiffany McClurkin'
Cc: 'Larry Lee'; Heather Hillaker
Subject: RE: [EXTERNAL] RE: FOIA FWS-2019-00203 1st Response

Hi Tiffany,

Could you please provide updates as to all of the below pending FOIA requests?

In particular: For 602, have you been able to coordinate with Ms. Barefield about releasing the documents in question? And for 274, did you receive the documents on April 12, and when will you be able to provide us with another response?

Thank you.

Ramona

From: Tiffany McClurkin [mailto:foiar4@fws.gov]
Sent: Friday, April 05, 2019 3:11 PM
To: Heather Hillaker
Cc: 'Larry Lee'; Ramona McGee
Subject: RE: [EXTERNAL] RE: FOIA FWS-2019-00203 1st Response

You're welcome!

So sorry about that--Guess I was moving too fast 😊! Thanks for catching that!

Have a wonderful weekend!

V/R

Tiffany McClurkin
U.S. Fish & Wildlife Service
Headquarters Information Resources & Technology Management
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
(E) foiar4@fws.gov

From: Heather Hillaker <hhillaker@selcnc.org>
Sent: Friday, April 5, 2019 3:04 PM
To: 'Tiffany McClurkin' <foiar4@fws.gov>
Cc: 'Larry Lee' <larry_lee@fws.gov>; Ramona McGee <rmcgee@selcnc.org>
Subject: RE: [EXTERNAL] RE: FOIA FWS-2019-00203 1st Response

Thank you Tiffany for taking the time to speak with us this afternoon and for providing this written recap of our conversation.

For clarification, the highlighted tracking number below should read: FWS-2019-00203.

Best,

Heather Hillaker
Associate Attorney | Southern Environmental Law Center
601 West Rosemary Street, Suite 220 | Chapel Hill, NC 27516-2356
T: 919-967-1450 Ext. 132
F: 919-929-9421
E: hhillaker@selcnc.org
<http://www.southernenvironment.org>

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From: Tiffany McClurkin [<mailto:foiar4@fws.gov>]
Sent: Friday, April 05, 2019 2:57 PM
To: Heather Hillaker
Cc: 'Larry Lee'; Ramona McGee
Subject: RE: [EXTERNAL] RE: FOIA FWS-2019-00203 1st Response

Good Afternoon Ladies,

Thanks so much for speaking with me this afternoon regarding FOIA requests FWS-2019-00203, FWS-2018-00542, and FWS-2018-00274. Below is a summary of our discussion. If I missed something, please feel free to chime in and let me know.

FWS-2019-00602: Per our conversation, I'm sincerely apologetic on the confusion of the 1st Partial Response letter. If you all can please disregard that letter, it would be greatly appreciated. I originally sent the referral documents to usarmy.belvoir.hqda-oaa-ahs.mbx.rmda-foia@mail.mil on March 22, 2019 and received a generic response of "Your inquiry has been received by the US Army Freedom of Information Act (FOIA) office. Thank you for contacting us. Army FOIA." I was never able to speak with a live person or received no other correspondence from this mailbox. When asked for contact information of who I sent the referral documents to, I emailed the same email address again on March 29, 2019 and received that same generated message. I spoke with a biologist from the Army (Fort Benning) and was provided a contact name and number for FOIA, Ms. Maureen Barefield, who I just spoke with on Wednesday, April 3, 2019. I explained the request and that I forwarded the records to usarmy.belvoir.hqda-oaa-ahs.mbx.rmda-foia@mail.mil, but had not received confirmation that the records were being processed. She confirmed that she is the FOIA contact for Army/Fort Benning.

The five records that were forwarded to the email address above are a part of the thirteen records in total. As discussed, I will consult with Ms. Maureen Barefield from the Army on the records to get this closed as soon as possible. I will follow-up with her periodically to ensure we can get these records to you in a timely manner. My plan is to send the records to her on Tuesday, April 9, 2019 for consultation and also review the records to determine if there is anything that can be released to you immediately.

FWS:2018-00274: I have followed up with Mr. Larry Lee (Ecological Services Field Office) regarding this request and spoke with him this morning. As mentioned, he was out of the office and on leave Monday through Thursday and just returned today. I understand that he is playing catch up on email so under the circumstances I asked him to provide a status update by next week. As soon as he provides a status update, I will send you all an email.

UPDATE: Mr. Larry Lee will be providing a 2nd Partial Response to me by Friday, April 12, 2019. Once those records are received, I will be able to give you a better idea of when I can have the response to you.

FWS-2018-00542: I reached out to Mr. Larry Lee for an update and as soon as he provides me with an update, I will send you all an email.

UPDATE: Mr. Larry Lee will be following up with the responsible office to determine the date he will be receiving additional records for review, but there are more records forthcoming

As per our discussion, we discussed how the process works--When the request is assigned to the program, the records are reviewed by the Program prior to coming to my office for review. The ES FOIA Coordinator works closely with the Subject Matter Expert (SME) during the course of his review of the records. Once I receive the records for review, if it requires Solicitor review, I work directly with the attorney during that review process.

I would again like to thank both of you for taking the time to speak with me regarding your FOIAs and I hope to have answers for you soon. If I left missed anything important from our conversation, please respond.

V/R

Tiffany McClurkin
U.S. Fish & Wildlife Service
Headquarters Information Resources & Technology Management
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
(E) foiar4@fws.gov

From: Heather Hillaker <hhillaker@selcnc.org>
Sent: Friday, April 5, 2019 12:47 PM
To: 'Tiffany McClurkin' <foiar4@fws.gov>
Cc: 'Larry Lee' <larry_lee@fws.gov>; Ramona McGee <rmcgee@selcnc.org>
Subject: RE: [EXTERNAL] RE: FOIA FWS-2019-00203 1st Response

Tiffany,

I am happy to speak with you at any time between now at 2:30. I just tried calling you back but your voicemail was full. Please give me a call back so we can discuss the questions below. I will also be out of the office from Monday through Wednesday of next week.

Best,

Heather Hillaker
Associate Attorney | Southern Environmental Law Center
601 West Rosemary Street, Suite 220 | Chapel Hill, NC 27516-2356
T: 919-967-1450 Ext. 132
F: 919-929-9421
E: hhillaker@selcnc.org
<http://www.southernenvironment.org>

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 Please consider the environment before printing this email.

From: Tiffany McClurkin [<mailto:foiar4@fws.gov>]
Sent: Friday, April 05, 2019 12:08 PM
To: Heather Hillaker
Cc: 'Larry Lee'; Ramona McGee
Subject: RE: [EXTERNAL] RE: FOIA FWS-2019-00203 1st Response

Good Afternoon Ms. Hillaker,

I just recently gave you a call, but it was unfortunate that I missed you. I did leave a voicemail. I was calling to discuss your below questions and to hope clarify some items. I wanted to touch base with you as I know you would like a response by today. I am available today until 2:30 p.m. and then I will not return to the office until Tuesday, April 9, 2019. If you could please give me a call to discuss your concerns, that would be greatly appreciated. I would like to apologize in advance for any confusion my response may have caused. Thank you so much and I look forward to speaking with you soon.

V/R

Tiffany McClurkin
U.S. Fish & Wildlife Service
Headquarters Information Resources & Technology Management
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
(E) foiar4@fws.gov

From: Heather Hillaker <hhillaker@selcnc.org>
Sent: Friday, March 29, 2019 2:53 PM
To: 'Tiffany McClurkin' <foiar4@fws.gov>
Cc: Larry Lee <larry_lee@fws.gov>; Ramona McGee <rmcgee@selcnc.org>
Subject: [EXTERNAL] RE: FOIA FWS-2019-00203 1st Response

Tiffany,

Thank you for sending the response letter, dated March 22, 2019. After reviewing the letter and your email, I was hoping you could clarify a few things. Please provide us with a response to these questions by no later than Friday, April 5, 2019.

First, can you please explain why FWS was not able to release the referenced records to us? Please provide us with your justification under FOIA for referring these 5 responsive documents in the Service's possession to the U.S. Army. Did these 5 documents originate at the Service?

Second, I read this response letter as a partial denial of my November 29, 2018, FOIA request. Please confirm that the Service is in fact *partially* denying the Nov. 29 FOIA request and that the appeal rights identified in the response letter *only apply* to the 5 documents the Service has referred to the Army.

Third, since the Service has referred these 5 documents to the U.S. Army, please provide the name and contact information for the FOIA officer at the Army that will handle this FOIA response. Please also provide us with the date that the documents were referred to the U.S. Army, and when we can anticipate to receive the documents or a response from the U.S. Army regarding these documents.

Finally, as it relates to the remaining responsive records in the Service's possession, please confirm that these records will continue to be processed pursuant to the FOIA request. Additionally, please provide a timeline for when I can expect a response from the Service regarding these remaining records, as the Service has already had four months to review these records.

Best,

Heather Hillaker
Associate Attorney | Southern Environmental Law Center
601 West Rosemary Street, Suite 220 | Chapel Hill, NC 27516-2356
T: 919-967-1450 Ext. 132
F: 919-929-9421
E: hhillaker@selcnc.org
<http://www.southernenvironment.org>

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 Please consider the environment before printing this email.

From: Tiffany McClurkin [<mailto:foiar4@fws.gov>]
Sent: Friday, March 22, 2019 9:08 AM
To: Heather Hillaker
Cc: Larry Lee
Subject: FOIA FWS-2019-00203 1st Response

Good Morning Ms. Hillaker,

Attached is a response letter regarding your FOIA request submitted to our office on November 29, 2018. The documents that were located involved the Army and FWS. Because so much of the information involved the Army, we referred those documents to the Army for processing and direct response to you. This has all been outlined in your letter. There are additional documents that still need to be reviewed by the Ecological Services Program and those documents will be provided in subsequent responses. Thanks so much for your continued patience and please let me know if you have any questions or concerns.

V/R

Tiffany McClurkin
U.S. Fish & Wildlife Service
Headquarters Information Resources & Technology Management
Government Information Specialist
Freedom of Information Act (FOIA) Coordinator
(E) foiar4@fws.gov

Exhibit 3



United States Department of the Interior

FISH AND WILDLIFE SERVICE

1875 Century Boulevard
Atlanta, Georgia 30345

FEB 1 1 2019

In Reply Refer To:
FWS/R4/ES/2018-00274

Ramona McGee
Southern Environmental Law Center
601 West Rosemary Street, Suite 220
Chapel Hill, NC 27516-2356

Dear Ms. McGee:

This serves as a partial response to your Freedom of Information Act (FOIA), 5 U.S.C. § 552, request, dated December 5, 2017. In your request, you asked for:

- *All records concerning FWS's Advanced Notice of Proposed Rulemaking, see Endangered and Threatened Wildlife and Plants; Nonessential Experimental Population of Red Wolves (*Canis rufus*) in North Carolina, 82 Fed. Reg. 98, 23518 (May 23, 2017) ("ANPR"), including but not limited to documents used, reviewed, or relied on by FWS to develop and issue the ANPR, documents received in response to the ANPR, and all records concerning FWS's efforts since the ANPR to revise the red wolf rule or develop any supporting analyses for a proposed rule;*
- *All records from January 1, 2016 through the date of the agency's search for this request, concerning efforts by FWS to identify new reintroduction sites for wild red wolf populations, including but not limited to any documents that flow from the September 12, 2016 FWS announcement of its plans for the future of the red wolf population;*
- *All records related to any review or determination by FWS regarding whether the red wolf is a genetically valid species designation, including but not limited to any review undertaken pursuant to statements made by the U.S. House of Representatives in 2017 regarding the endangered red wolf;*
- *All records from January 1, 2016 through the date of the agency's search for this request, related to any study planned or conducted by the North Carolina Wildlife Resources Commission related to hybridization of red wolves with coyotes, GPS monitoring of canids, or the Commission's 2013 Memorandum of Understanding with the FWS; and*
- *All records from January 1, 2017 through the date of the agency's search for this request related to any statements made by the U.S. Senate regarding the red wolf recovery program*

The Southeast Region Ecological Services Program has searched its records and has located seventy-five (75) documents that are responsive to your request. After consulting with the Office of the Regional Solicitor, it has been determined that some of the documents you are seeking are exempt from disclosure pursuant to Exemption 5, 5 U.S.C § 552(5), of the FOIA. The information redacted pursuant to Exemption 5 includes privileged information involving

discussions on matters of policy between subordinates and superiors and were used to guide the Agency in the decision making process. We are releasing twenty (20) documents in their entirety (542 pages); we are releasing four (4) documents in part (112 pages); and have withheld forty-four (44) documents in full (518 pages). Seven (7) documents were duplicates (218 pages). Other documents that we believe to be responsive still need to be reviewed for possible withholding and will be provided in subsequent responses.

Exemption 5

Exemption 5 of the FOIA allows an agency to withhold “inter-agency and intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the Agency.” 5 U.S.C. § 552(b)(5). Exemption 5 therefore incorporates the privileges that protect materials from discovery in litigation, including the deliberative process, attorney work-product, attorney-client, and commercial information privileges.

Deliberative Process Privilege

The deliberative process privilege protects the decision-making process of government agencies and encourages the frank exchange of ideas on legal or policy matters by ensuring agencies are not forced to operate in a fish bowl. A number of policy purposes have been attributed to the deliberative process privilege. Among the most important are to: (1) assure that subordinates will feel free to provide the decision maker with their uninhibited opinions and recommendations; (2) protect against premature disclosure of proposed policies; and (3) protect against confusing the issues and misleading the public.

The deliberative process privilege protects materials that are both pre-decisional and deliberative. The privilege covers records that reflect the “give-and-take of the consultative process” and may include “recommendations, draft documents, proposals, suggestions, and other subjective documents which reflect the personal opinions of the writer rather than the policy of the agency.”

The materials that have been withheld under the deliberative process privilege of Exemption 5 are both pre-decisional and deliberative. They do not contain or represent formal or informal agency policies or decisions. They are the result of frank and open discussions among employees of the Department of the Interior. Their contents have been held confidential by all parties, and public dissemination of this information would have a chilling effect on the agency’s deliberative processes.

The deliberative process privilege does not apply to records created 25 years or more before the date on which the records were requested.

We reasonably foresee that disclosure would harm an interest protected by one or more of the nine exemptions to the FOIA’s general rule of disclosure.

In addition to me, the official responsible for this denial is:

Brigette J. Beaton, Attorney-Advisor
Office of the Regional Solicitor
U.S. Department of the Interior
75 Ted Turner Drive, S.W., Suite 304
Atlanta, Georgia 30303

You may appeal this partial denial under 43 C.F.R. § 2.57 by writing to:

Freedom of Information Act Appeals Officer
U.S. Department of the Interior
Office of the Solicitor
1849 C Street, NW, Mail Stop 6556
Washington, D.C. 20240
Email: FOIA.Appeals@sol.doi.gov

Your appeal must be received no later than 90 workdays after the date of this letter. The appeal should be marked, both on the envelope and the face of the appeal letter, with the legend "FREEDOM OF INFORMATION APPEAL." Your appeal should be accompanied by a copy of your original request and this letter, along with any information you have which leads you to believe the records should be made available. Failure to include with your appeal all correspondence between you and the U.S. Fish and Wildlife Service will result in the Department's rejection of your appeal, unless the FOIA Appeals Officer determines (in the FOIA Appeals Officer's sole discretion) that good cause exists to accept the defective appeal. Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA Appeals Officer needs additional information or clarification of your appeal.

Also as part of the 2007 OPEN Government Act FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a nonexclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation.

You may contact OGIS via regular mail at:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001

You may also contact OGIS in the following ways:

E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Phone: (202) 741-5770
Fax: (202) 741-5769
Toll-free: 1-877-684-6448

You also may seek dispute resolution services from our FOIA Public Liaison, Carrie Hyde-Michaels, Chief Branch of FOIA, Records, and Privacy, at (703) 358-2291.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions, please contact Pete Benjamin, North Carolina Ecological Services Field Supervisor, at (919) 856-4520, extension 11 or pete_benjamin@fws.gov . Thank you for contacting the U.S. Fish and Wildlife Service.

Sincerely yours,



Tiffany McClurkin
Region 4 FOIA Coordinator