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May 3, 1990

\* ALSO ADMITTED IN OREGON  
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Cynthia Uptegraft Barry  
Regional FOIA Officer  
U.S. Fish and Wildlife Service  
1002 N.E. Holladay Street  
Portland, OR 97232-4181

RE: Freedom of Information Act Request by The Wildlife Society

Dear Ms. Barry:

This letter responds to your request for additional information from the Idaho Chapter of The Wildlife Society ("TWS") showing its qualifications for a fee waiver under the Freedom of Information Act.

Initially, I would like to point out that TWS was granted a fee waiver by the Fish and Wildlife Service ("USFWS") for TWS's first FOIA request for documents relating to their petition to list the trumpeter swan as threatened under the Endangered Species Act. Please see the letter from Galen Buterbaugh which is attached hereto for your reference. The information which TWS seeks in the instant supplemental request is no less likely to contribute to the public's understanding of the operations of the USFWS than that sought in TWS's first request. Therefore, I do not understand why the previous finding by your agency that TWS qualified for the fee waiver would not be equally applicable to this supplemental request.

Nevertheless, in the interest of expediting TWS's request for information, I would point out that the Idaho Chapter of The Wildlife Society is a non-profit organization whose members are, in large part, professional men and women trained as wildlife biologists and ecologists. The major objective of TWS is to disseminate biological information useful to the understanding and management of wildlife and their environments. For over fifty years TWS has accomplished this effort primarily through the publication of *The Journal of Wildlife Management* and a series of monographs and bulletins. In addition, TWS sponsors conferences at which its

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members, other scientists and interested members of the public share information regarding the management and study of wildlife species throughout the world.

TWS and its state chapters routinely collect information regarding particular wildlife and environmentally related issues for evaluation, and on occasion, for the purpose of adopting formal positions regarding current management practices or goals for future management of wildlife populations and their habitats. The bases for TWS's evaluations and positions are disseminated to its members and to the public at large in hope of increasing public awareness about important issues.

In furtherance of these goals, the Idaho Chapter of TWS is now seeking information which the USFWS has in its possession which pertain to the Rocky Mountain population of trumpeter swans. With this information, TWS will be able to evaluate the basis for the pending decision of the USFWS regarding listing of these swans. This information will then be shared with TWS's members and with other interested persons.

This clearly satisfies the requirement that disclosure of the requested information will "contribute to public understanding of the operations or activities of the government." The information is sought specifically because it will "illuminate" the manner in which the USFWS is carrying out its statutory mandates under the Endangered Species Act and other relevant statutes. The information sought will allow the public to determine whether the USFWS's decision regarding trumpeter swans will be made on the basis of current and relevant biological information and whether its decision complies with federal laws.

Furthermore, as an organization of trained professionals, TWS possesses the expertise to properly evaluate the information sought and has the ability and intention to disseminate that information to the public.

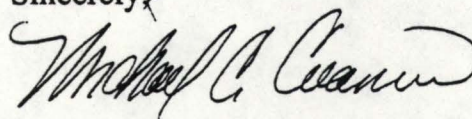
Finally, the requested information relates to decision-making regarding the fate of a population of swans which is highly regarded by the public and which TWS believes may be threatened with extinction. TWS also seeks information which it has not obtained previously and which is not readily available by other means. Therefore, release of the requested information will significantly contribute to the public's understanding of a significant issue.

I fully expect that this additional information will confirm that TWS is entitled to a waiver of fees under FOIA. Since you have indicated that providing the requested information will require an extension to May 29 for your response, I would also expect

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that your response will include all relevant documents in your possession up through that date. Please let me know immediately if you disagree.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael C. Creamer".

Michael C. Creamer

MCC/mcc  
Enclosure

cc: FOIA Officer, U.S.F.W.S., Washington, D.C.  
FOIA Officer, U.S.F.W.S., Region 6, Denver