

DOI-FWS-2022-000501 request Details

Due Date: 12/06/2021 Clock Days: 17

Requester Information

Requester	Elizabeth Tobin	Tracking Number	DOI-FWS-2022-000501
Organization	Jamestown S'Klallam Tribe	Submitted Date	11/02/2021
Requester Has Account	No	Received Date	11/02/2021
Email Address	etobin@jamestowntribe.org	Perfected Date	11/04/2021
Phone Number	3606814656	Last Assigned Date	11/23/2021
Fax Number		Assigned To	FWS FOIA Intake (United States Fish and Wildlife Service)
Address	1033 Old Blyn Hwy	Last Assigned By	Cathy Willis (United States Fish and Wildlife Service)
City	Sequim	Request Track	Complex
State/Province	WA	Fee Limit	\$0.00
Zip Code/Postal Code	98382		

Request Handling

Requester Info Available to the Public	Yes	Request Type	FOIA
Request Track	Complex	Request Perfected	Yes
Fee Category	Other	Perfected Date	11/04/2021
Fee Waiver Requested	No	Acknowledgement Sent Date	11/04/2021
Fee Waiver Status	Not Billable	Unusual Circumstances	No
Expedited Processing Requested	No	Litigation	No
Expedited Processing Status	Deny	Court Docket Number	
		5 Day Notifications?	No

Description

Long Description

On behalf of the Jamestown S’Klallam Tribe, I hereby request that copies of the following documents be provided to me: All email records and correspondence related to the Jamestown S’Klallam Tribe’s Dungeness Bay Oyster Farm by USFWS Dungeness National Wildlife Refuge (DNWR) staff, including emails between Service staff, with other federal and state agencies (e.g., U.S. Army Corps of Engineers, Environmental Protection Agency, Washington State Department of Ecology and Washington State Department of Natural Resources), nonprofit public interest groups (e.g., Protect the Peninsula’s Future, Coalition to Protect Puget Sound Habitat and Friends of the Dungeness National Wildlife Refuge) and private citizens. We would like copies of all electronic records and emails dating back to January 1, 2015.

**Has Description Been Modified
Long Description Modified**

Yes

From January 1, 2015, all email records and correspondence related to the Jamestown S’Klallam Tribe’s Dungeness Bay Oyster Farm by USFWS Dungeness National Wildlife Refuge (DNWR) staff, including emails between Service staff, with other federal and state agencies (e.g., U.S. Army Corps of Engineers, Environmental Protection Agency, Washington State Department of Ecology and Washington State Department of Natural Resources), nonprofit public interest groups (e.g., Protect the Peninsula’s Future, Coalition to Protect Puget Sound Habitat and Friends of the Dungeness National Wildlife Refuge) and private citizens. We would like copies of all electronic records and emails dating back to January 1, 2015.

**Description Available to the
Public
Short Description**

Yes

Jamestown S’Klallam Tribe’s Dungeness Bay Oyster Farm by USFWS Dungeness National Wildlife Refuge

Additional Information

Relevant park or refuge or site or other location Atlanta NWR

Attached Supporting Files

**Attachments Available to the
Public?
No**

Attached File Name	Size (MB)	File Type
FOIA Request confirmation #279386.pdf	0.0042	Adobe PDF Document

Appeals

Tracking Number	Appeal Date	Appellant	Phase	Notification
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No appeals have been created.

Consultations

Tracking Number	Consulted Agency	Created By	Consultation Date	Due Date	Phase
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No consultations have been created.

Correspondence to Requester

Subject	From	To	Date
FOIA Expedited Processing Disposition Reached for DOI-FWS-2022-000501	System	Elizabeth Tobin	11/04/2021

Your request for Expedited Processing for the FOIA request DOI-FWS-2022-000501 has been denied. Additional details for this request are as follows:

- Request Created on: 11/02/2021
- Request Description: On behalf of the Jamestown S’Klallam Tribe, I hereby request that copies of the following documents be provided to me:

All email records and correspondence related to the Jamestown S’Klallam Tribe’s Dungeness Bay Oyster Farm by USFWS Dungeness National Wildlife Refuge (DNWR) staff, including emails between Service staff, with other federal and state agencies (e.g., U.S. Army Corps of Engineers, Environmental Protection Agency, Washington State Department of Ecology and Washington State Department of Natural Resources), nonprofit public interest groups (e.g., Protect the Peninsula’s Future, Coalition to Protect Puget Sound Habitat and Friends of the Dungeness National Wildlife Refuge) and private citizens. We would like copies of all electronic records and emails dating back to January 1, 2015.

- Expedited Processing Original Justification: The Jamestown S’Klallam Tribe has been in communication and consultation with the Service for over 7 years to resume their oyster operations at this historic, legally designated site for shellfish aquaculture in Dungeness Bay and cultural homeland of the S’Klallam people. The Tribe has secured all requisite local, state and federal permits and finalized a lease agreement with the property owner (Washington State) and are presently in final stages of consultation with the Service regarding compatibility with Refuge functions. Permitted

activities are scheduled at this time and the Tribe seeks an expedited review to understand all communications and information provided by Dungeness National Wildlife Refuge staff to agency representatives, nonprofit public interest groups and private citizens. In particular, whether these communications accurately represent the Tribe's project. This issue is time sensitive as final consultations with the Service are in progress. For this reason, the Tribe requests expedited consideration.

- Expedited Processing Disposition Reason: Your request does not contain enough evidence to support either of these criteria because it does not show evidence that it poses an imminent threat to life and does not show that the information has a particular value that will be lost if not disseminated quickly. Your request for expedited processing therefore has been denied.

FOIA Request DOI-FWS-2022-000501 Submitted	System	Elizabeth Tobin	11/02/2021
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This message is to confirm your request submission to the FOIAonline application: [View Request](#). Request information is as follows:

- Tracking Number: DOI-FWS-2022-000501
- Requester Name: Elizabeth Tobin
- Date Submitted: 11/02/2021
- Request Status: Submitted
- Description: On behalf of the Jamestown S'Klallam Tribe, I hereby request that copies of the following documents be provided to me:

All email records and correspondence related to the Jamestown S'Klallam Tribe's Dungeness Bay Oyster Farm by USFWS Dungeness National Wildlife Refuge (DNWR) staff, including emails between Service staff, with other federal and state agencies (e.g., U.S. Army Corps of Engineers, Environmental Protection Agency, Washington State Department of Ecology and Washington State Department of Natural Resources), nonprofit public interest groups (e.g., Protect the Peninsula's Future, Coalition to Protect Puget Sound Habitat and Friends of the Dungeness National Wildlife Refuge) and private citizens. We would like copies of all electronic records and emails dating back to January 1, 2015.

FOIA Fee Waiver Disposition Reached for DOI-FWS-2022-000501	System	Elizabeth Tobin	11/04/2021
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Your request for Fee Waiver for the FOIA request DOI-FWS-2022-000501 has been determined to be not applicable as the request is not billable. Additional details for this request are as follows:

- Request Created on: 11/02/2021
- Request Description: On behalf of the Jamestown S'Klallam Tribe, I hereby request that copies of the following documents be provided to me:

All email records and correspondence related to the Jamestown S'Klallam Tribe's Dungeness Bay Oyster Farm by USFWS Dungeness National Wildlife Refuge (DNWR) staff, including emails between Service staff, with other federal and state agencies (e.g., U.S. Army Corps of Engineers, Environmental Protection Agency, Washington State Department of Ecology and Washington State Department of Natural Resources), nonprofit public interest groups (e.g., Protect the Peninsula's Future, Coalition to Protect Puget Sound Habitat and Friends of the Dungeness National Wildlife Refuge) and private citizens. We would like copies of all electronic records and emails dating back to January 1, 2015.

- Fee Waiver Original Justification: I am staff for the Jamestown S'Klallam Tribe and submitting this

request on the Tribe's behalf. I am seeking information to assist in the Tribe's effort to better understand communications and information provided by Dungeness National Wildlife Refuge staff to interested parties regarding the Tribe's project and more generally on shellfish aquaculture in Dungeness Bay.

- Fee Waiver Disposition Reason: N/A

Freedom of Information Act Request DOI-FWS-2022-000501

Cathy
Willis

Elizabeth
Tobin

11/04/2021

The United States Fish and Wildlife Service (FWS) FOIA office received your Freedom of Information Act (FOIA) request, dated 11/02/2021, and assigned it control number DOI-FWS-2022-000501. Please cite this number in any future communications with our office regarding your request.

Fee Category and Fee

We have classified you as an "other-use" requester. As such, we may charge you for some of our search and duplication costs, but we will not charge you for our review costs; you are also entitled to up to 2 hours of search time and 100 pages of photocopies (or an equivalent volume) for free. See 43 C.F.R. § 2.39. After taking into consideration your fee category entitlements, and that our processing costs are less than \$50.00, we will not bill you because the cost of collection would be greater than the fee collected. See 43 C.F.R. § 2.37(g).

Because there is no billable cost to process your request, there is no need to address your fee waiver request.

Multitrack Processing

We use Multitrack Processing to process FOIA requests. The Simple track is for requests that would generally take one to five workdays to process. The Normal track is for requests that would generally take six to twenty workdays to process. The Complex track is for requests that would generally take twenty-one to sixty workdays to process. The Extraordinary track is for requests that would generally take more than sixty workdays to process. The Expedited track is for requests that have been granted expedited processing, which are processed as soon as practicable. Within each track, requests are usually processed on a first-in, first-out basis.

Your request falls into the Complex processing track. We expect that we will dispatch a determination to you by February 2, 2022.

Expedited Process Request

You have asked for expedited processing of your FOIA request. The Department's FOIA regulations state that a bureau will provide expedited processing when a requester demonstrates a compelling need for the records by explaining in detail how the request meets one or both of the criteria below and certifying the explanation is true and correct to the best of the requester's knowledge and belief. The two criteria are as follows:

- Failure to expedite the request could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or
- There is an urgency to inform the public about an actual or alleged government activity and the request is made by a person primarily engaged in disseminating information. (The requested information must be the type of information that has particular value that will be lost if not disseminated quickly; this ordinarily refers to a breaking news story that concerns a matter of public exigency. Information of historical interest only or information sought for litigation or commercial activities would not qualify, nor would a news media deadline unrelated to breaking news.) 43 C.F.R § 2.20.

Your request does not contain enough evidence to support either of these criteria because it does not show evidence that it poses an imminent threat to life and does not show that the information has a particular value that will be lost if not disseminated quickly. Your request for expedited processing therefore has been denied.

You may file an appeal with the Department's FOIA/Privacy Act Appeals Officer regarding the denial of your expedited processing. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA Appeal as soon as possible after this communication. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must also include with your appeal copies of all correspondence between you and FWS concerning your FOIA request, including your original FOIA request and this response. Failure to include with your appeal all correspondence between you and FWS will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act 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/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

DOI FOIA/Privacy Act Appeals Office Contact Information

Department of the Interior
Office of the Solicitor
1849 C Street, N.W.
MS-6556 MIB
Washington, DC 20240
Attn: FOIA/Privacy Act Appeals Office
Telephone: (202) 208-5339
Fax: (202) 208-6677
Email: FOIA.Appeals@sol.doi.gov

For additional information please feel free to contact us at fwfq_foia@fws.gov or by phone at 703-358-2239.

FOIA Request DOI-FWS-2022-000501 Modified	System	Elizabeth Tobin	11/04/2021
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The FOIA request - DOI-FWS-2022-000501 description has been modified. Additional details for this item are as follows:

- Tracking Number: DOI-FWS-2022-000501
 - Requester: Elizabeth Tobin
 - Submitted Date: 11/02/2021
 - Description: From January 1, 2015, all email records and correspondence related to the Jamestown S'Klallam Tribe's Dungeness Bay Oyster Farm by USFWS Dungeness National Wildlife Refuge (DNWR) staff, including emails between Service staff, with other federal and state agencies (e.g., U.S. Army Corps of Engineers, Environmental Protection Agency, Washington State Department of Ecology and Washington State Department of Natural Resources), nonprofit public interest groups (e.g., Protect the Peninsula's Future, Coalition to Protect Puget Sound Habitat and Friends of the Dungeness National Wildlife Refuge) and private citizens. We would like copies of all electronic records and emails dating back to January 1, 2015.
-

Other Correspondence

Attached File

File Type

Size (MB)

No correspondence has been created.

Fee Estimates

Current Estimate Total \$0
Date Estimate Sent to Requester N/A
Estimate Required for Payment N/A

Invoices

Sent

Title

Invoice Date

Amount

No invoices have been created.

**Total Amount Billed Which Has
Been Sent To Requester** \$0.00

Payments

Date

Amount

Type

Total Amount Paid

\$0.00

Total Amount Owed

\$0.00

No payments have been added.

Case Responsive Records

Publish Options:

UU - Unredacted - Unreleaseable

RU - Redacted - Unreleasable

**UR - Unredacted - Releaseable to the
General Public**

**RR - Redacted - Releaseable to the General
Public**

REQ - Release to Requester Only

Release Type	Title	User	Date/Time	Exemptions	Release Date
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No records have been uploaded.

Restricted Materials

Attached File Name	Size (MB)	File Type	User	Actual Agency	Date/Time
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No restricted materials have been added.

Existing Admin Costs

Date	User Name	Charge Type	Hours/Quantity	Rate	Billable?	Total
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No cost entries have been added.

Fee Category: Other

Total: \$0.00

Invoice Amount: \$0.00

Assigned Tasks

Outcome	Task Type	Assigned To	Assigned By	Submitted Date	Due Date	Closed Date	Notification	Justifica
Not Billable	Fee Waiver	FWS	Elizabeth Tobin	11/02/2021	11/02/2021	2021-11-04T04:00:00.000Z	No	
<p>Requester Justification I am staff for the Jamestown S’Klallam Tribe and submitting this request on the Tribe’s behalf. I am seeking information to assist in the Tribe’s effort to better understand communications and information provided by Dungeness National Wildlife Refuge staff to interested parties regarding the Tribe’s project and more generally on shellfish aquaculture in Dungeness Bay.</p>								
Deny	Expedited Processing	FWS	Elizabeth Tobin	11/02/2021	11/12/2021	2021-11-04T04:00:00.000Z	No	
<p>Requester Justification The Jamestown S'Klallam Tribe has been in communication and consultation with the Service for over 7 years to resume their oyster operations at this historic, legally designated site for shellfish aquaculture in Dungeness Bay and cultural homeland of the S'Klallam people. The Tribe has secured all requisite local, state and federal permits and finalized a lease agreement with the property owner (Washington State) and are presently in final stages of consultation with the Service regarding compatibility with Refuge functions. Permitted activities are scheduled at this time and the Tribe seeks an expedited review to understand all communications and information provided by Dungeness National Wildlife Refuge staff to agency representatives, nonprofit public interest groups and private citizens. In particular, whether these communications accurately represent the Tribe’s project. This issue is time sensitive as final consultations with the Service are in progress. For this reason, the Tribe requests expedited consideration.</p>								
Decision	<p>Your request does not contain enough evidence to support either of these criteria because it does not show evidence that it poses an imminent threat to life and does not show that the information has a particular value that will be lost if not disseminated quickly. Your request for expedited processing therefore has been denied.</p>							

Existing Comments (2)

Date Created	Last Edited On	User Name
11/02/2021 11:10 AM	11/02/2021 11:10 AM	Elizabeth Tobin
Comment	This request was created via FOIA.gov. Additional Properties are below. Foia.gov Request Id: 279911 Requester Category: All other requester	
11/04/2021 05:27 PM	11/04/2021 05:27 PM	Cathy Willis
Comment	Intake: Atlanta, Dungeness National Wildlife Refuge (DNWR); may need eERDMS and scoping	

Assigned Reviewers

Review Order

Review Outcome

Assigned Reviewer

Review Date

No reviewers have been assigned.
