

From: [Darrell Geist](#)
To: [APHIS-FOIA Officer](#)
Cc: [Darrell Geist](#)
Subject: FREEDOM OF INFORMATION ACT REQUEST
Date: Wednesday, October 11, 2017 7:09:30 PM

FREEDOM OF INFORMATION ACT REQUEST

October 11, 2017

Tonya Woods, FOIA Director
Legislative and Public Affairs
Freedom of Information Act
4700 River Road, Unit 50
Riverdale, MD 20737
Phone: 301-851-4102
Fax: 301-734 -5941
[Email: foia.officer@aphis.usda.gov](mailto:foia.officer@aphis.usda.gov)

Dear FOIA Director Tonya Woods, ,

Pursuant to the Freedom of Information Act 5 U.S.C. § 552 *et. seq.*, Buffalo Field Campaign is filing this request for public information and records.

Buffalo Field Campaign is a 501(c)(3) non-profit, public interest, news media and field organization which provides information and news reports to people in all 50 states, to broadcast networks and news media outlets in the United States and abroad, and to various local, regional, and international communities.

In responding to our request, Buffalo Field Campaign requests the agency reduce costs and waste by providing the information and records in electronic PDF or Word format on a web site for downloading or on a CD/DVD that can be mailed to the address below.

Buffalo Field Campaign requests the following information and records on the U.S. Dept. of Agriculture Animal and Plant Health Inspection Service's study Evaluation of GonaCon™, an Immunocontraceptive Vaccine, as a Means of Decreasing Transmission of *Brucella abortus* in Bison in the Greater Yellowstone Area:

1. All publications, studies, reports, memos, and communications (emails, faxes, letters).
2. All animal welfare monitoring, including inspections, reports, evaluations, appointment books, and notes related to injury, abandonment, and death of bison.
3. Bison abortions and births.
4. Removal and disposition of genetic material from bison.
5. Number and status of bison, held for study, incinerated, landfill buried, distributed to food banks, or other activities resulting in removal.

To facilitate our FOIA request, the contact person listed for the study is:

Dr. Donald E. Herriott

Associate Regional Director – Western Region

Veterinary Services

Animal and Plant Health Inspection Service

U.S. Department of Agriculture

2150 Centre Avenue, Bldg B, Mailstop 3E13

Fort Collins, CO 80526-8117

As you know, the Freedom of Information Act provides that if portions of a document are exempt from release, the remainder must be segregated and disclosed. Buffalo Field Campaign expects to receive all non-exempt portions of the documents that we have requested, and ask that you justify any deletions by reference to specific exemptions allowed under the Freedom of Information Act. Buffalo Field Campaign reserves the right to appeal a decision by the agency to withhold any information or records.

Buffalo Field Campaign requests a fee waiver for all search and duplication fees under the Freedom of Information Act regulations 5 U.S.C. § 552(a)(4)(A) and 7 CFR § 1.5. A fee waiver and release of the information and records requested will benefit the people of the United States by fostering public understanding of government activities and encouraging public involvement in important policy and management issues.

The released information and records is for the public's benefit and in the public's interest and will be made available to the public through Buffalo Field Campaign's offices and our website, list-serve and network outlets. Information and records available to Buffalo Field Campaign are used in press conferences and releases, television and radio interviews, regional and national publications, local and national broadcast networks, in public meetings and before legislative bodies, and is shared online through a variety of media that reaches the public nationwide and abroad. All of these activities significantly contribute to public understanding of government operations and activities.

The language of the Freedom of Information Act clearly indicates the U.S. Congress intended fees not to be a barrier to private individuals or public interest organizations seeking access to government information and records. In addition, the legislative history of the Freedom of Information Act fee waiver language indicates the U.S. Congress intended a liberal interpretation of the phrase "primarily benefiting the public." This suggests that all fees are to be waived whenever the release of information contributes to public debate on important public policy and management issues. This standard has been affirmed by the U.S. Court of Appeals for the District of Columbia in *Better Government Association v. Department of State*, 780 F.2d 86 (D.C. Cir. 1986). In *Better Government*, the D.C. Circuit Court found that under the Freedom of Information Act, the U.S. Congress explicitly recognized the need for non-profit organizations to have free access to government documents and those government agencies cannot impair this free access by charging duplication or search for Freedom of Information Act requests. *Id.* at 89.

If I can be of assistance in expediting this Freedom of Information Act request please contact

me at the information below. Thank you for your time and assistance.

Sincerely,

/s/

Darrell Geist, habitat coordinator

Buffalo Field Campaign

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(406) 531-9284

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