



United States Department of the Interior

NATIONAL PARK SERVICE
INTERMOUNTAIN REGION
12795 W. Alameda Parkway
P.O. Box 25287
Denver, Colorado 80225-0287

IMR/05-183

JUN 03 2005

✓ Mr. Darrell Geist
Post Office Box 7941
Missoula, Montana 59807

Mr. Dan Brister
Buffalo Field Campaign
Post Office Box 957
West Yellowstone, Montana 59758

Dear Mr. Geist and Mr. Brister:

This letter is in final response to your May 10, 2005, request that this office review the April 6, 2005, Freedom of Information Act (FOIA) partial denial response to your organization—the Buffalo Field Campaign—from Yellowstone National Park in Wyoming. Yellowstone National Park (“Park”) is located within the Intermountain Region (IMR) of the National Park Service; consequently, this office has the authority to review this matter and will do so.

It is the policy of the National Park Service (NPS) to: (1) make records of the NPS available to the public to the greatest extent possible in keeping within the spirit of the FOIA; (2) make documents requested under the FOIA available at the earliest possible date while, at the same time, protecting the rights of the individuals involved and the administrative processes surrounding such rights; and (3) withhold documents falling within one of the FOIA exemptions only if disclosure is prohibited by either statute, regulation and/or Executive Order (EO).

Your request is being processed under the provisions of the Freedom of Information Act (5 United States Code 552 as amended by Public Law 104-221, 110 Stat. 3048); United States Department of the Interior (“Department”) implementing regulations found at 43 Code of Federal Regulations, Part 2, Subparts A through E, beginning at 2.1; and the Privacy Act of 1974 (Public Law 93-579). Please be advised that additional FOIA and/or Privacy Act guidance /regulations may also be found at either the Department’s web site,

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www.doi.gov/foia or at the United States Department of Justice web site, www.usdoj.gov.

Upon review, this office can identify no reason to either reverse or otherwise amend the Park's April 6, 2005, partial denial determination. I hope you find the following explanation(s) both helpful and informative.

In your May 10, 2005, letter, you submitted five "...facts and legal principles...." etc., concerning this review. I will address each of your items, as I best understand them, in your number order as follows.

First: yes; the Park did, in fact, specifically identify and evaluate the applicable exemptions to you concerning the different groups of documents. (Please see page 4 of the Park response letter.) The specific exemptions cited were Exemption 5 (5 U.S.C. 552 (b) (5) (2000)), "deliberative process" and Exemption 6 (5 U.S.C. 552 (b) (6) (2000)), "personal privacy". Though you may disagree with this Departmental procedure and NPS conclusion, the Park met both the spirit and statutory requirements of the FOIA.

Second: yes; the exemptions invoked and and brief explanation of those exemptions was provided. (Please see page 4 of the Park response letter.) Again, though you may disagree with this Departmental procedure and NPS conclusion, the Park met both the spirit and statutory requirement of the FOIA.

Third: yes; the Park was, in fact, very specific in identifying both the number of documents provided and privileged--62 unredacted pages released; 49 full pages privileged; 35 partial pages privileged (or 35 partial pages released) and 66 pages referred to the originating agencies for release determination. (See page 2-4 of the Park response letter.)

Fourth, the names and titles of those concurring with this partial denial (along with your appeal rights to the Department) are stated below.

Fifth, included with # four, above.

Finally, I think it is important to note the following two items.

* There was no fee waiver issue concerning this request. All documents were provided at no charge to the Buffalo Field Campaign.

* If there is any question of whether a non-Park document may be considered sensitive to the originating agency, pursuant to statute (43 CFR Part 2(Subpart C) 2.10(b) (4)(2002)), it is rightfully the NPS policy and procedure to refer those records back to the originating agency for a release determination as we did in this matter.

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In accordance with Department regulations found at 43 C.F.R. 2.21, the following individuals are responsible for the partial DENIAL:

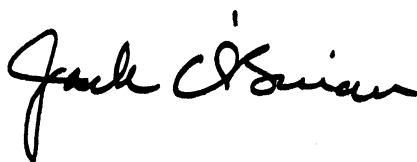
1. Mr. Michael D. Snyder, (Acting) Director, Intermountain Region, National Park Service, Denver, Colorado.
2. Ms. Debra Hecox, Attorney-Advisor, Office of the Solicitor, Rocky Mountain Region, United States Department of the Interior, Denver, Colorado.
3. Mr. Jack O'Brian, Freedom of Information/Privacy Act Officer, Intermountain Region, National Park Service, Denver, Colorado.

If you find this partial DENIAL response unsatisfactory, also in accordance with Department regulations found at 43 C.F.R. 2.28, you may appeal this determination to (the): Freedom of Information Act Appeals Officer, United States Department of the Interior, MIB-5312, 1849 C Street, N.W., Washington, D.C. 20240.

Your appeal must be received by the Department within 30 days upon your receipt of this letter. Your appeal letter should contain both copies of this letter and your initial request. To expedite this appeal process, you should also provide a brief explanation as to why you believe this determination to be in error. Both your appeal letter and the envelope in which it is sent should be clearly marked "FREEDOM OF INFORMATION ACT REQUEST APPEAL".

Thank you for your interest in Yellowstone National Park and the National Park Service.

Sincerely,

A handwritten signature in black ink that reads "Jack O'Brian". The signature is written in a cursive style with a small vertical line above the letter 'i' in "Brian".

Jack O'Brian
Freedom of Information/Privacy Act Office
Intermountain Region/NPS