

Record Description	AR Pages	Disposition and/or Exemptions
Briefing Statement, Bison Management: Long-term Strategy. (Attachment to March 8, 2017 - email from P.J. White to Dan Wenk, Subject: Bison briefing statements for the Secretary of the Interior)	68-69	5 U.S.C. § 552(b)(5) Draft/Deliberative Privilege: NPS withheld portions of Administrative Record (AR) pages 68-69 as deliberative and predecisional. The briefing statement contains draft-internal, bullet-point communications from a subordinate/subject matter expert (Branch Chief, Wildlife and Aquatic Resources) to the recipient (Superintendent). Specifically, the subordinate/subject matter expert makes recommendations about the suggested actions the recipient (Superintendent) could take regarding the long-term management strategy of bison, including information about programs and working groups the agency “could establish” and possible solutions for greater “public participation.” <sup>1</sup> These communications were offered to help create a “new, unified, management approach” for the “Interagency Bison Management Plan (IBMP)” and, as such, also includes factual information about population sizes of bison and specific members of the IBMP. This factual information was segregated to the greatest degree possible and released. NPS winnowed two full pages of withholdings down to a handful of bullet points by applying a new foreseeable harm analysis and delivered revised version to Plaintiff on December 9, 2019. The remaining redactions involve facts and recommendations woven together to such an extent that any attempt at segregating out information would reveal agency deliberations. Further, the correspondence does not reflect the agency's final response or actions. If such preliminary information were to be released and subject to public scrutiny, agency decisionmakers would be deterred from sharing opinions, advice and recommendations in the course of agency decisionmaking.
Briefing Statement, Bison Issues (Population, Quarantine, Removal/Winter Operations). (Attachment to March 14, 2017 - email from Sue Masica to Dan Wenk, Subject: Bison Overview BP)	75	5 U.S.C. § 552(b)(5) Draft/Deliberative Privilege: NPS portions of page 75 as deliberative and predecisional. The briefing statement contains internal communications from a subordinate/subject matter expert (Superintendent) to the supervisor recipient (Regional Director). Specifically, the briefing statement contains the opinion of the subordinate/subject matter expert

<sup>1</sup> Quoted sentence fragments throughout the *Vaughn* Index have been pulled directly from redacted portions of the production.

		regarding suggested actions for the supervisor to take on a “NPS . . . proposal and current management.” Factual information was segregated to the greatest degree possible, with a full page of withholdings being reduced to two bullet points through a new foreseeable harm analysis. NPS delivered the revised version to Plaintiff on December 9, 2019. The remaining redactions reflect facts and recommendations woven together into the briefing statement to such an extent that any attempt at segregating out information would reveal agency deliberations. Further, the correspondence does not reflect the agency's final response or actions. If such preliminary information were to be released and subject to public scrutiny, agency decisionmakers would be deterred from sharing opinions, advice and recommendations in the course of agency decisionmaking.
May 24, 2017 – email from P.J. White to Dan Wenk, Patrick Kenney, Jennifer Carpenter, Pete Webster, Subject: Redacted-Exemption (b)(5) Draft/Deliberative	77	5 U.S.C. § 552(b)(5) Draft/Deliberative Privilege: NPS withheld portions of page 77 as draft and deliberative. The email is from a subordinate/subject matter expert (Branch Chief, Wildlife and Aquatic Resources) to the Superintendent, Deputy Superintendent, Chief of Yellowstone Center for Resources, and Chief Ranger. The email contains the draft title (since revised) of an internal deliberative draft version of a scholarly article. As such the correspondence does not reflect the agency's final response or actions. If such preliminary information were to be released and subject to public scrutiny the employees involved could be reluctant to provide preliminary information, or commit such information to writing, thereby denying decision-makers access to important information. The draft article was never circulated outside the agency, was never submitted to a publisher, was never submitted for any other peer review process, and revision of the title and text continues.
Draft article (Attachment to May 24, 2017 - email from P.J. White to Dan Wenk, Patrick Kenney, Jennifer Carpenter, Pete Webster, Subject: Redacted-Exemption (b)(5) Draft/Deliberative)	78-94	5 U.S.C. § 552(b)(5) Draft/Deliberative Privilege: NPS withheld portions of page 78, and pages 79-94 in their entirety, as draft and deliberative. The document contains an early draft of an internal NPS scholarly article, and the draft title of that article. The draft article was prepared exclusively by NPS personnel, and thus does not rely on the consultant corollary. The draft article represents internal agency analysis and interprets technical data. The draft article and bears little resemblance to what, if anything, may

		ultimately be published and publicly available. Additionally, the draft article was never submitted to any publication, or any peer review process. The draft article makes scientific recommendations regarding the Interagency Bison Management Plan (IBMP), and the formulation of policy related to that Plan. In a May 24, 2017 email, the main author of the article states “We will be revising this draft over the summer.” Those revisions reflect the shifting thought processes of the agency which continue to evolve as of February 2020. The forced production of draft scientific analyses through FOIA will chill vital scholarship and negatively affect research conducted within the National Parks. If such preliminary versions of documents were to be released and subject to public scrutiny, the employees involved would be reluctant to provide preliminary information, or commit such information into writing, thereby denying decision-makers access to important information.
January 25, 2018 - email from Tim Reid to P.J. White, Jennifer Carpenter, Rick Wallen, Pete Webster, Jody Lyle, Subject: Strategic Mtg-save the date	99-100	5 U.S.C. § 552(b)(5) Draft/Deliberative Privilege: NPS withheld portions of page 99 as deliberative and predecisional and released page 100 in full. The email contains internal communication suggesting actions for t a “strategic plan framework” as well as discussion bullet points “need[ing] to be addressed.” As such the correspondence does not reflect the agency's final response or actions. If such preliminary information were to be released and subject to public scrutiny, agency decisionmakers would be deterred from sharing opinions, advice and recommendations in the course of agency decisionmaking.
Briefing Statement, Long-Term Bison Management Strategy, including Quarantine. (Attachment to January 25, 2018 - email from Tim Reid to P.J. White, Jennifer Carpenter, Rick Wallen, Pete Webster, Jody Lyle, Subject: Strategic Mtg-save the date)	101-103	5 U.S.C. § 552(b)(5) Draft/Deliberative Privilege: NPS withheld portions of pages 101-103 as deliberative and predecisional. The briefing statement is an internal communication from a subordinate/subject matter expert (Branch Chief, Wildlife and Aquatic Resources) to the recipient(s) (Bison Program Coordinator, Superintendent, Chief of Yellowstone Center for Resources, Chief Ranger, Deputy Superintendent, Chief of Strategic Communications). It contains the recommendations of the subordinate/subject matter expert and suggested actions for the recipient(s) to take regarding possible establishment of “panels” and new “testing procedures,” in addition to approximations of time and bison population

		sizes. Factual information was segregated to the greatest degree possible; Defendant winnowed three full pages of withholdings down to a handful of bullet points by applying a new foreseeable harm analysis and delivered the revised version to Plaintiff on December 9, 2019. The remaining redactions involve facts and recommendations woven together into the briefing statement to such an extent that any attempt at segregating out information would reveal agency deliberations. Further, the correspondence does not reflect the agency's final response or actions. If such preliminary information were to be released and subject to public scrutiny, agency decisionmakers would be deterred from sharing opinions, advice and recommendations in the course of agency decisionmaking.
March 14, 2018 - email from P.J. White to Rick Wallen, Chris Geremia, Subject: Bison science and governance manuscript	104	5 U.S.C. § 552(b)(5) Draft/Deliberative Privilege: NPS withheld portions of page 104 as draft and deliberative. The email is from a subordinate/subject matter expert (Branch Chief, Wildlife and Aquatic Resources) to staff and the Chief of Yellowstone Center for Resources, and Chief Ranger. The email contains the draft title (since revised) of an early draft of an internal scholarly article. As such the correspondence does not reflect the agency's final response or actions. If such preliminary information were to be released and subject to public scrutiny, employees could be reluctant to provide preliminary information, or commit such information to writing, thereby denying decision-makers access to important information. The draft article was never submitted for publication, or for any other peer review process, and revision of the title and text continues.
Draft article (Attachment to March 14, 2018 - email from P.J. White to Rick Wallen, Chris Geremia, Subject: Bison science and governance manuscript)	105-117	5 U.S.C. § 552(b)(5) Draft/Deliberative Privilege: NPS withheld portions of page 105, and pages 106-117 in their entirety, as draft and deliberative. The document contains the draft title and text of an early iteration of an internal scholarly article. The draft article was prepared exclusively by NPS personnel, and thus does not rely on the consultant corollary. The draft article represents internal agency analysis and interprets technical data, and bears little resemblance to what, if anything, may ultimately be published and publicly-available. Additionally, the draft article was never submitted for publication, or any peer review process. As for its substance, the draft

		<p>article makes scientific recommendations and interprets scientific data relating to the Interagency Bison Management Plan (IBMP) and relates to formulation of policy in the IBMP. In a May 24, 2017, email, the main author of the article states “We will be revising this draft over the summer.” Those revisions reflect the shifting thought processes of the agency which continue to evolve as of February 2020. Therefore, forced production of draft scientific analyses through FOIA will chill vital scholarship and negatively affect research conducted within NPS. If such preliminary versions of documents were to be released and subject to public scrutiny, employees—and DOI employees at-large—would be reluctant to provide preliminary information, or to commit such status updates into writing, thereby denying decision-makers access to important information.</p>
Information Memorandum, Recommendations for the Conservation and Management of Yellowstone Bison. (Attachment to April 6, 2018 - email from P.J. White to Dan Wenk, Jennifer Carpenter, Tim Reid, Pete Webster, Patrick Kenney, Subject: Recommendations for Bison Conservation and Management)	122-124	<p>5 U.S.C. § 552(b)(5) Draft/Deliberative Privilege: NPS withheld a portion of page 122 and pages 123-124 in their entirety as deliberative and predecisional. The information memorandum contains internal communication from a subordinate/subject matter expert (Branch Chief, Wildlife and Aquatic Resources) containing the opinion of the subordinate/subject matter expert and suggested actions for the recipient(s) (Superintendent, Chief of Yellowstone Center for Resources, Bison Program Manager, Chief Ranger, Deputy Superintendent) to take. The redactions begin just after the released sentence, “Our proposed action is . . .” The correspondence does not reflect the agency's final response or actions, but a mere proposal. Further, factual information was segregated to the greatest degree possible; Defendant winnowed three full pages of withholdings down to two and a half pages by applying a new foreseeable harm analysis and delivered the revised version to Plaintiff on December 9, 2019. If such preliminary information were to be released and subject to public scrutiny, agency decisionmakers would be deterred from sharing opinions, advice and recommendations in the course of agency decisionmaking.</p>
Information Memorandum, Recommendations for the Conservation and Management of Yellowstone Bison. (Attachment to April 17,	126-127	<p>5 U.S.C. § 552(b)(5) Draft/Deliberative Privilege: NPS withheld a portion of page 126 and page 127 in its entirety as deliberative and predecisional. The information memorandum contains internal communication from a</p>

2018 - email from P.J. White to Dan Wenk, Jennifer Carpenter, Tim Reid, Pete Webster, Patrick Kenney, Rick Wallen, Chris Geremia, Subject: Bison strategy meeting on Thursday)		subordinate/subject matter expert (Branch Chief, Wildlife and Aquatic Resources) containing the opinion of the subordinate/subject matter expert and suggested actions for the recipient(s) (Superintendent, Chief of Yellowstone Center for Resources, Bison Program Manager, Chief Ranger Deputy Superintendent, and staff) to take. The redactions begin just after the released sentence, “Our proposed action is . . .” The correspondence does not reflect the agency's final response or actions, but a mere proposal. Further, factual information was segregated to the greatest degree possible; Defendant winnowed three full pages of withholdings down to two and a half pages by applying a new foreseeable harm analysis and delivered the revised version to Plaintiff on December 9, 2019. If such preliminary information were to be released and subject to public scrutiny, agency decisionmakers would be deterred from sharing opinions, advice and recommendations in the course of agency decisionmaking.
April 20, 2018, Draft Conservation and Management of Yellowstone Bison Environmental Assessment (Attachment to April 20, 2018 - email from P.J. White to Dan Wenk, Jennifer Carpenter, Tim Reid, Pete Webster, Rick Wallen, Chris Geremia, Raymond McPadden, Subject: Environmental Assessment: Conservation and Management of Yellowstone Bison)	129-186	5 U.S.C. § 552(b)(5) Draft/Deliberative Privilege: NPS released page 129 (cover page of draft Environmental Assessment) in its entirety, and withheld pages 130-186 in their entirety, as draft and deliberative. This document is a draft of an Environmental Assessment that is still an internal working draft document as of February 2020. It has not completed the internal review process or been released to the public for comment. The forced production of draft NEPA compliance documents through FOIA will confuse the issues, mislead the public, and chill open communication and discussion among peers, subordinates, and supervisors. Further, this Environmental Assessment is directly related to the Interagency Bison Management Plan (IBMP) and possible “management approach[es].” Here, as set forth above, the draft EA relates to formulation of policy for the IBMP. If such preliminary versions of documents were to be released and subject to public scrutiny, employees would be reluctant to provide preliminary information, or to commit such information into writing, thereby denying decision-makers access to important information.
May 16, 2018 - email from Dan Wenk to Dave Mihalic, Subject: Bison habitat	195-196	5 U.S.C. § 552(b)(5) Draft/Deliberative Privilege: NPS withheld portions of page 195 and withheld page 196 in its entirety as deliberative and predecisional. The email contains internal communication from a



		subordinate (Superintendent) containing suggested actions for the recipient (Senior Advisor to the Secretary of the Interior) to take, as well as questions and answers to “help inform [the recipient’s] next steps.” As such the correspondence does not reflect the agency’s final response or actions, but internal deliberations that led to such final response or actions. If such preliminary information were to be released and subject to public scrutiny, agency personnel—including personnel employed by different Bureaus within the Department—would be deterred from participating in consultations as well as sharing opinions, advice, and recommendations in the course of agency decisionmaking.
May 16, 2018 - email from Dan Wenk to David Mihalic, Subject: Re: Sorry to ask...	197	5 U.S.C. § 552(b)(5) Draft/Deliberative Privilege: NPS withheld portions of page 197 as deliberative and predecisional. The email contains internal communication from a subordinate (Superintendent) to a recipient (Senior Advisor to the Secretary of the Interior), as well as the recipient’s questions about what certain agreements mean, and whether certain plans are a “good option.” As such the correspondence does not reflect the agency’s final response or actions, but internal deliberations leading up to such final response or actions. If such preliminary information were to be released and subject to public scrutiny, agency personnel would be deterred from sharing opinions, advice and recommendations in the course of agency decisionmaking.
Briefing Statement. (Attachment to May 16, 2018 - email from Dan Wenk to David Mihalic, Subject: Re: Sorry to ask...)	199-200	5 U.S.C. § 552(b)(5) Draft/Deliberative Privilege: NPS withheld portions of pages 199-200 as draft, deliberative and predecisional. The briefing statement is an internal communication from a subordinate/subject matter expert (Branch Chief, Wildlife and Aquatic Resources) to the recipient (Superintendent). The briefing statement contains the opinion of the subordinate/subject matter expert and suggested actions for the recipient(s) to take, including what “would be necessary to define”—including the carrying capacity for wild bison in certain habitats—before a decision to undergo a particular evaluation affecting bison populations is made. As such the correspondence does not reflect the agency’s final response or actions. Further, factual information was segregated to the greatest degree possible; Defendant winnowed two full pages of withholdings down to four

		bullet points by applying a new foreseeable harm analysis and delivered the revised version to Plaintiff on December 9, 2019. If such preliminary information were to be released and subject to public scrutiny, agency personnel would be deterred from sharing opinions, advice and recommendations in the course of agency decisionmaking.
May 16, 2018 - email from Dan Wenk to Jennifer Carpenter, P.J. White, Tim Reid, Subject: Fwd: Sorry to ask...	201	5 U.S.C. § 552(b)(5) Draft/Deliberative Privilege: NPS withheld portions of page 201 as deliberative and predecisional. The email contains internal communication between a subordinate (Superintendent) and the Senior Advisor to the Secretary of the Interior, as well as discussions about the interpretation of an unidentified "MOU" and whether certain views within are "still valid." As such the correspondence does not reflect the agency's final response or actions. If such preliminary information were to be released and subject to public scrutiny, agency personnel would be deterred from sharing opinions, advice, and recommendations in the course of agency decisionmaking.
Draft Briefing Statement, Bison Abundance under the Interagency Bison Management Plan. (Attachment to May 17, 2018 - email from P.J. White to Dan Wenk, Jennifer Carpenter, Tim Reid, Rick Wallen, Chris Geremia, Pete Webster, Patrick Kenney, Subject: Briefs on Bison Grazing and Abundance)	206-207	5 U.S.C. § 552(b)(5) Draft/Deliberative Privilege: NPS withheld portions of pages 206-207 as draft and deliberative. The briefing statement is a draft version of the briefing statement released in full (see pages 138-139) and shows red-lining, including several portions of text not ultimately included in the final draft. As such, the briefing statement does not reflect the agency's final response or actions. If such preliminary information were to be released and subject to public scrutiny employees could be reluctant to provide preliminary information, or to commit such information to writing, thereby denying decision-makers access to important information.
Draft Briefing Statement, Title Redacted-Exemption (b)(5) Draft/Deliberative. (Attachment to May 17, 2018 - email from P.J. White to Dan Wenk, Jennifer Carpenter, Tim Reid, Rick Wallen, Chris Geremia, Pete Webster, Patrick Kenney, Subject: Briefs on Bison Grazing and Abundance)	208-209	5 U.S.C. § 552(b)(5) Draft/Deliberative Privilege: NPS withheld portions of pages 208-209 as draft and deliberative. The briefing statement is a draft providing guidance on the management of bison, including the scientific opinions of ecologists and rangeland managers. The guidance and opinions were revised prior to finalization. As such, the briefing statement does not reflect the agency's final response or actions. Further, factual information was segregated to the greatest degree possible; Defendant winnowed two full pages of withholdings down to four bullet points by applying a new foreseeable harm analysis and delivered the revised version to Plaintiff on



		December 9, 2019. If such preliminary information were to be released and subject to public scrutiny, agency personnel would be deterred from sharing opinions, advice and recommendations in the course of agency decisionmaking.
May 17, 2018 - email from Dan Wenk to David Mihalic, Subject: Re: Sorry to ask...	210-211	5 U.S.C. § 552(b)(5) Draft/Deliberative Privilege: NPS withheld portions of pages 210-211 as deliberative and predecisional. The email contains internal communication and negotiation about what should or should not be the focus of a draft brief prepared by agency counsel, protected under the attorney-client privilege, concerning bison management. As such, the correspondence does not reflect the agency's final response or actions. If such preliminary information were to be released and subject to public scrutiny, agency personnel would be deterred from sharing opinions, advice and recommendations in the course of agency decisionmaking.
May 17, 2018 - email from David Mihalic to Dan Wenk, Subject: Re: Sorry to ask...	213-214	5 U.S.C. § 552(b)(5) Draft/Deliberative Privilege: NPS withheld portions of pages 213-214 as deliberative and predecisional. The email contains internal communication and negotiation about what should or should not be the focus of a draft brief concerning bison management in addition to discussions about how to interpret an MOU. As such, the correspondence does not reflect the agency's final response or actions and would confuse the public. Further, if such preliminary information were to be released and subject to public scrutiny, agency personnel would be deterred from sharing opinions, advice and recommendations in the course of agency decisionmaking.