

RE: Freedom of Information Act Request – Relating to Elk Management In Areas of  
Brucellosis  
Kujala, Quentin  
To McDonald, Ken  
Fri 5/3/2013 14:28 pm

Oh....could probably pull most things together in half a dedicated day. We'd probably want to give another day for others to add their material. And we should first ask Laura her thoughts about communications she might have—and then some time for here to package and send. Should be something inside.....three days? But would be hard to accommodate this next week given the deer/elk workshop--I hope we can at least have that timeline? In the meantime, directing them to the website would be good (telling them we'll be getting back to them—might also let them know the working group will be meeting July 11 at the R3 office in Boz—we've just identified that date and it will ultimately be on the website and in the newspaper both).

Cost? I don't know what to think about that. Maybe better to go thru the process and make that determination.

Can I send the original request to the brucellosis working group—with an offer/request to send any correspondence they'd like to add? Would also want them to know I'll be responding with material from/to them as we worked thru the SDM process.

Thanks,  
Q

**From:** McDonald, Ken  
**Sent:** Friday, May 03, 2013 1:44 PM  
**To:** Kujala, Quentin  
**Subject:** FW: Freedom of Information Act Request - Relating to Elk Management in Areas of Brucellosis

Quentin,

Below is a request from Gallatin Wildlife for anything having to do with the elk-brucellosis workgroup. I condensed it down to the following:

I am requesting the opportunity obtain copies of public records concerning the formation, the workings of and the future of the Elk Brucellosis Management in Areas with Brucellosis, by FWP personnel with any Elk Brucellosis Working Group Members, any Local Elk Brucellosis

Working Groups, any Montana Department of Livestock personnel, U.S. Department of Agriculture Animal and Plant Health Inspection Service (USDA/APHIS) personnel, U.S. Fish and Wildlife Service (USFWS) personnel, ranchers, private land owners, sportsmen, other citizens and other local organizations since fall 2011.

Can you give me an estimate of what you think that will take. My first inclination is to send her to the website where the workgroup documents were placed. If she comes back for more, then give her an estimate of the time it will take you, Justin, Laura, and others to dig out and copy every email we have related to the topic, including emails between you and the Workgroup, you and Justin and Mitchell, and all of the Commission comments, correspondence, etc.

Thoughts?

Ken McDonald

Chief of Wildlife

Montana Fish, Wildlife and Parks

P.O. Box 200701

Helena, MT 59620

406-444-5645

**From:** Hagener, Jeff

**Sent:** Friday, May 03, 2013 1:19 PM

**To:** Jakes Dockter, Rebecca; McDonald, Ken

**Subject:** FW: Freedom of Information Act Request - Relating to Elk Management in Areas of Brucellosis

Ken,

We need to comply with this request – don't know how readily the info requested can be assembled. However. I am not inclined to waive costs of assembling it unless it can be done easily.

Jeff

**From:** Kathryn QannaYahu [<mailto:gallatinwa@gmail.com>]  
**Sent:** Friday, May 03, 2013 1:08 PM  
**To:** Hagener, Jeff  
**Cc:** Jakes Dockter, Rebecca  
**Subject:** Freedom of Information Act Request - Relating to Elk Management in Areas of Brucellosis

Kathryn QannaYahu

513 ½ W. Curtiss St.  
Bozeman, Montana 59715

May 2, 2013

Jeff Hagener  
Director, Montana Fish, Wildlife & Parks  
1420 East Sixth Avenue  
P.O. Box 200701  
Helena, MT 59620-0701

Dear Jeff Hagener:

Under the Montana Public Records Act 2-6-101 et seq., I am requesting the opportunity to inspect or obtain copies of public records, including documentary information, papers, reports, letters, e-mails, phone messages, calender and appointment records, public notices, records of all meetings, proceedings, and minutes concerning the formation, the workings of and the future of the Elk Brucellosis Management in Areas with Brucellosis, by FWP personnel with any Elk Brucellosis Working Group Members, any Local Elk Brucellosis Working Groups, any Montana Department of Livestock personnel, U.S. Department of Agriculture Animal and Plant Health Inspection Service (USDA/APHIS) personnel, U.S. Fish and Wildlife Service (USFWS) personnel, ranchers, private land owners, sportsmen, other citizens and other local organizations since fall 2011.

If there are any fees for searching or copying these records, please inform me of these costs. However, I would like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of the Elk Brucellosis Working Group and FWP's transparency of operations in this public trust matter. This information is not being sought for commercial purposes.

If access to the records I am requesting will take longer than a 'reasonable' amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records. As I am making this request as a concerned public citizen and researcher, and this information is of a timely value, I would appreciate your communicating with me by telephone (406-579-7748) or email ([katganna@gmail.com](mailto:katganna@gmail.com) <<mailto:katganna@gmail.com>>), rather than by mail, if you have questions regarding this request.

As the public has urgent need of this information about the Elk Brucellosis Management, because this is a public trust issue needing transparency, and meetings that should have public notices, as well as meetings that should be "permitting and encouraging the public to participate in agency decisions that are of significant interest to the public" are continuing to occur, please provide expedited processing because a delay in disclosure could cause a loss of substantial due process rights. As my rights and others, under Montana Annotated Code 2-3-101 – 107, concerning FWP public meetings were violated by an FWP employee and requests for meetings and information on the Elk Brucellosis Management has been ignored, as well as my communication protesting this violation, I am forced to seek out the transparency that should have been forthcoming under Montana legal statutes.

I certify that my statements concerning the need for expedited processing are true and correct to the best of my knowledge and belief.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,

Kathryn QannaYahu

406-579-7748