



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



JUL 12 2010

In Response Reply to:
FWS/R9/SCI/0444288

Mr. B. Kent Burton
Sage Grouse Coalition
c/o 2600 Virginia Avenue, N.W.
Suite 505
Washington, D.C. 20037

Dear Mr. Burton:

The U.S. Fish and Wildlife Service (FWS) received your Information Quality Act (IQA) appeal, dated April 26, 2010, on May 3, 2010. The appeal, entitled "Information Quality Act Appeal to U.S. Fish and Wildlife Service for Dissemination of Information Related to Regulatory Protections Available for the Sage Grouse in the January 2005 Final Listing Determination for the Greater Sage Grouse" states that it is in response to an August 13, 2009, letter from Ralph Morgenweck.

The following chronology is provided to clarify the exchange of correspondence regarding this matter:

- May 28, 2009--FWS received a request for correction from the Sage Grouse Coalition (dated May 21, 2009)
- August 13, 2009--FWS rejected the request for correction in its letter to the Sage Grouse Coalition based upon Section V-3 of the FWS IQA Guidelines. FWS determined that the Coalition's request was duplicative of an existing process which was the remand of the 12-month finding by the Federal Court to FWS with a deadline for a new finding of February 26, 2010
- March 4, 2010--new 12-month finding published in Federal Register
- September 3, 2009--date of deadline for appeal of FWS' August 13, 2009, response. Sage Grouse Coalition did not appeal
- March 8, 2010--FWS received a request for correction from the Sage Grouse Coalition which was **identical** to the request for correction received by FWS from the Sage Grouse Coalition on May 28, 2009. Coalition states in their transmittal document that their purpose in resubmitting was to appeal the FWS response if the request was rejected again since the Coalition had missed the appeal deadline on the FWS' August 13, 2009 response
- April 7, 2010--FWS rejected the Sage Grouse Coalition request because it was duplicative of an earlier IQA request and unduly burdensome on the agency
- May 3, 2010--FWS received an IQA appeal from the Sage Grouse Coalition (dated April 26, 2010). The Appeal states "*This Appeal, including this cover document and all attachments, is filed in response to a letter dated August 13, 2009 from Ralph*



April 26, 2010). The Appeal states “*This Appeal, including this cover document and all attachments, is filed in response to a letter dated August 13, 2009 from Ralph Morgenweck, the Senior Science Advisor to Christopher West, Sage Grouse Coalition (FWS Letter)*”.

The April 26, 2010, appeal from the Coalition of the August 13, 2009, response by the FWS was not received within the 21 calendar day period provided for in the FWS IQA Guidelines. As a result, the appeal is rejected because it is not timely. Your failure to meet the appeal deadline on the FWS’ August 13, 2009, IQA response does not impart a responsibility on the FWS to revisit its earlier decision.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Acting Deputy DIRECTOR