

FREEDOM OF INFORMATION ACT LAWSUIT SETTLEMENT REACHED
Terms Will Affect Public Records Requests Nationwide

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WEST YELLOWSTONE (MONTANA): Buffalo Field Campaign and the United States Department of Agriculture, Animal and Plant Health Inspection Service (“APHIS”) reached a settlement today obligating the agency to undertake sweeping changes in how it processes and responds to Freedom of Information Act requests from citizens nationwide.

The settlement, filed in Montana federal district court, resolves a complaint by Buffalo Field Campaign alleging that APHIS had improperly withheld government documents and had engaged in a “pattern or practice” of failing to timely respond to public information requests. The complaint further alleged that APHIS had repeatedly delayed public disclosure of the documents sought by Buffalo Field Campaign by giving itself extensions of time not permitted by the Freedom of Information Act.

Requests made pursuant to the Freedom of Information Act require federal agencies to respond within twenty business days; in some instances, Buffalo Field Campaign says APHIS had given itself months of improper extensions.

“The Freedom of Information Act is a powerful tool for the public to shed light on what the government is up to,” says Daniel Brister, executive director of Buffalo Field Campaign. “We will be watchdogging this settlement to ensure that APHIS complies with the public's Freedom of Information Act requests.”

The nonprofit bison advocacy group had submitted many public information requests to shed light on APHIS's bison population control experiments, births and deaths and welfare of bison in quarantine and associated costs, funding agreements with the Montana Dept. of Livestock, and investigative reports tracing sources of brucellosis infection in Montana cattle.

All of the documents received from APHIS have been posted online at the group's web site:

<http://www.buffalofieldcampaign.org/legal/aphisfoia.html>

As a result of the lawsuit, APHIS will augment its Freedom of Information Act training program so the “unusual circumstances” provision of the FOIA, which allows agencies additional response time under certain specific circumstances, is properly used and followed by APHIS in responding to public information requests.

APHIS has also agreed to implement new procedures including a phone number or Internet link for the public to use to check on the status of their public information requests.

“Prompt public access to government records is a necessary ingredient for a healthy, transparent democracy,” says Daniel Snyder, an attorney with the Law Offices of Charles M. Tebbutt, P.C. who represented Buffalo Field Campaign in its lawsuit. “Timely access is even more critical here, where the records sought by Buffalo Field Campaign illuminate the federal government's deplorable treatment of Yellowstone's threatened wild buffalo population. The new procedures APHIS must implement nationwide as a result of this lawsuit should result in the punctual disclosure of records requested by the public.”

Attorney John Meyer from the Cottonwood Environmental Law Center in Bozeman, Montana, also represented Buffalo Field Campaign as local counsel.

APHIS will also pay Buffalo Field Campaign's attorneys' fees and costs to settle the Freedom of Information Act lawsuit.

Buffalo Field Campaign is a non-profit public interest organization founded in 1997 to stop the slaughter of Yellowstone's wild buffalo, protect the natural habitat of wild free-roaming buffalo and other native wildlife, and to work with people of all Nations to honor the sacredness of the wild buffalo.

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