

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

Public Employees for  
Environmental Responsibility  
2000 P Street, NW, Suite 240,  
Washington, D.C. 20036

Plaintiff;

v.

**Civil Action No.** \_\_\_\_\_

United States Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

Defendant.

## COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. This action is brought under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, to compel production of documents that have been legally requested, are not subject to any legitimate exception and are being unlawfully withheld by the United States Department of the Interior, Office of the Assistant Secretary for Fish, Wildlife and Parks and offices of subordinate staff, including Deputy Assistant Secretary Paul Hoffman, National Park Service (NPS) Director Fran Mainella, and Deputy Director Steve Martin.

2. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 (federal question) and FOIA, 5 U.S.C. § 552(a)(4)(B).

3. Plaintiff Public Employees for Environmental Responsibility (PEER) is a non-profit organization in the District of Columbia chartered to hold government agencies accountable for enforcing environmental laws, maintaining scientific integrity, and upholding professional ethics in the workplace. PEER has thousands of employee and citizen members nationwide, including employees in many federal agencies. PEER also provides legal representation to current and former public employees of the United States Department of the Interior.

4. Defendant United States Department of the Interior (DOI), is an agency of the United States. DOI has possession and control of the records the Plaintiff seeks.

**VIOLATION OF FOIA  
SEPTEMBER 1, 2005 REQUEST**

5. By letter dated September 1, 2005, PEER submitted a FOIA request to:  
Sue Ellen Sloca, MS-1413, MIB FOIA Officer, Assistant Secretary of the Interior,  
1849 C Street, N.W., Washington, D.C. 20240.

6. PEER's September 1, 2005 FOIA request asked for copies of all documents in the Office of DOI Assistant Secretary for Fish, Wildlife and Parks or offices of subordinate staff, including Deputy Assistant Secretary Paul Hoffman, Director Fran Mainella, and Deputy Director Steve Martin, containing any

communications with any party outside of the Federal Government related to the revision of National Parks System Management Policies for the period beginning January 1, 2005 through September 1, 2005. The requested documents included, but were not limited to letters, memoranda, e-mails, written notes of meetings and of telephone conversations between officials of the office of the Assistant Secretary or named subordinates and any party outside of the Federal Government.

7. On September 9, 2005, Ms. Sloca sent PEER a letter requesting a ten-working day extension, stating that PEER could "...expect to hear back from [DOI] shortly...".

8. Despite the promise in Ms. Sloca's letter, PEER has received no further communication from DOI regarding its FOIA request. Moreover, PEER's attempt to inquire by telephone to the listed contact person did not generate a return call.

9. On December 13, 2005, PEER sent a letter of appeal to DOI, informing the agency that its lack of substantive response regarding the FOIA request constituted a denial of the request, which PEER appealed.

10. On December 29, 2005, Mr. Darrell Strayhorn, FOIA Appeals Officer, DOI, sent PEER a letter acknowledging receipt of the appeal on December 19, 2005. In his letter, Mr. Strayhorn stated that DOI would make a determination on the

appeal within 20 working days of receipt. However, PEER has received no further communication from DOI regarding the appeal.

11. As of the date of the filing of this Complaint, no further acknowledgement or response to PEER's FOIA request or appeal has been provided.

12. DOI has far exceeded the statutory time period for reaching a determination on PEER's September 1, 2005 FOIA request. Further, no records in response to PEER's December 13, 2005 appeal have been produced.

13. PEER has a statutory right to the records sought in its September 1, 2005 FOIA request, and there is no legal basis for the failure of DOI, to make a determination on PEER's FOIA request and appeal and/or provide the requested records.

### **RELIEF REQUESTED**

13. WHEREFORE, Plaintiff PEER prays that this Court:

(a) Declare that the Defendants have violated FOIA by withholding the requested records; (b) Order the Defendants to immediately make the requested records available to the Plaintiff; (c) Award Plaintiff PEER all costs and attorneys' fees pursuant to 5 U.S.C. § 552(a)(4)(E); and (d) Order such other relief as the Court may deem just and appropriate.

Respectfully submitted,

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Richard E. Condit, DC Bar No. 417786  
General Counsel  
Public Employees for  
Environmental Responsibility  
2000 P Street, NW, Suite 240  
Washington, D.C. 20036  
(202) 265-7337

Dated: February 2, 2006