



SENT ELECTRONICALLY

Re: Montana Public Records Act Request

June 30, 2020

Martha Williams, Director
Montana Department of Fish, Wildlife & Parks
P.O. Box 200701
Helena, Montana 59620
martha.williams@mt.gov

Dear Director Williams:

Under the Montana Public Records Act § 2-6-1001 et seq., the Flathead-Lolo-Bitterroot Citizen Task Force, a 501(c)(3) public interest organization incorporated as a non-profit organization in the State of Montana and the undersigned Montana organizations request an opportunity to inspect or obtain copies of public records and information that pertain to the issue of hunting grizzly bears and any and all other communications between Department personnel and the Governor's Grizzly Bear Advisory Council (GBAC), including the facilitators, beginning with the selection of facilitators and Council members, the Council's inception and current through our Request. This information is requested pursuant to the public right to obtain such records under Article 2, Section 9 of the State Constitution and § 2-6-102 M.C.A.

The requested public records include hard copies, email and text communications, social media communications through media including Facebook, SnapChat and other platforms, notes of phone conversations, memos and other communications between the Department and the GBAC including communications between individual employees of the Department, the facilitators and individual members of the GBAC outside of the GBAC's public meetings. We request the Department reveal any public records, including electronic, that have been deleted or otherwise been made unavailable.

Montana law defines public records based on content, not format. This law defines records as,

“any paper, correspondence, form, book, photograph, microfilm, magnetic tape, computer storage media, map, drawing, or other document, including copies of the record required by law to be kept as part of the official record, regardless of physical form or characteristics...”

The Montana Operations Manual contains policies, procedures and standards applicable to the operations of Montana state government. This online resource includes “Guidelines for Social Media Use” which recognizes the importance of social media to government and clearly states that,

“under Montana law, public records include records in electronic form (§ 2-6-110, M.C.A.). Therefore, communication to or from state personnel through Social Media is likely presumed to be a public record.”

If there are any fees for copying, searching or compiling these public records, please inform us if the cost will exceed \$100. However, we 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 Department’s role in forming the GBAC and its communications with the GBAC in whole or in part. This will help judge the role the Department played in shaping and influencing the GBAC’s findings and recommendations, which according to the Department, will play a major role in shaping the statewide long term Grizzly Bear Management Plan EIS. This information is not being sought for commercial purposes.

We insist that any and all communications as described above, which occur after the date of our records request, through the term of the GBAC, be preserved in their entirety and made available for any future public records requests.

The requested public records may be provided in an electronic format such as PDF and/or made available on a dedicated web page. If access to the public records we are requesting will take longer than a “reasonable” amount of time, please contact us with information about when we might expect to receive the records or the ability to inspect the requested records.

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

Please direct your response to Patty Ames at the contact information below.

Thank you for your consideration of our request.

/s/

Patty Ames, President
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