



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

5275 Leesburg Pike, MS: IRTM  
Falls Church, VA 22041



IN REPLY REFER TO:  
FWS-2019-00577

September 3, 2021

Via email: [sandysmc@cfl.rr.com](mailto:sandysmc@cfl.rr.com)

Sandra Clinger  
2680 Bobcat Trail  
Titusville, FL 32780

Dear Ms. Clinger:

The U.S. Fish and Wildlife Service (FWS) received Freedom of Information Act (FOIA) request dated March 11, 2019 and assigned it FOIA tracking number FWS-2019-00577. Please reference this number on any correspondence concerning your request.

You requested the following:

- “...1. The USFWS North Florida Ecological Services Office (NFESO) Section 10 ESA Enhancement permit (Permit # MA770191-5);*
- 2. The most recent requested extension to The USFWS North Florida Ecological Services Office (NFESO) Section 10 ESA Enhancement permit (Permit # MA770191-5) since Permit #MA770191-5 expired Aug 30, 2016;*
- 3. All records related to ZooTampa (formerly Lowry Park Zoo) from January 1, 2019 through March 11, 2019 the United States Fish and Wildlife Service (USFWS), Southeastern Regional Office, Division of Management Authority (DMA), USFWS Ecological Services Program (ESP), or USFWS NFESO created internally, sent to or received from ZooTampa (formerly Lowery Park Zoo);*
- 4. All records related to ZooTampa (formerly Lowry Park Zoo) from January 1, 2019 through March 11, 2019 the United States Fish and Wildlife Service (USFWS), Southeastern Regional Office, Division of Management Authority (DMA), USFWS Ecological Services Program (ESP), or USFWS NFESO created internally;*
- 5. The final ZooTampa Independent Veterinary Assessment conducted by Dr. Lara Croft, Dr. Scott Gearhart, and Dr. Michael T. Walsh to examine the 45 USFWS identified cases of substandard manatee care by ZooTampa Veterinarian Dr. Ray Ball. ZooTampa stated it would release the final report to the USFWS during its December 10, 2018 press conference. Note: This request is not for the 16 page summary letter written by Joe Couceiro, the CEO of*

*ZooTampa,, that summarized and self-reported the panel's findings but only included selected excerpts from the panel report;*

*6. All records related to ZooTampa from January 1, 2019 through March 11, 2019 the USFWS DMA sent to or received from USFWS Southeast Regional Director Leopoldo Miranda;*

*7. All records related to ZooTampa, from December 1, 2018 through March 11, 2019, the USFWS DMA sent to or received from the Manatee Rehabilitation Partnership (MRP);*

*8. All records related to ZooTampa, from January 1, 2019 through March 11, 2019, the USFWS DMA sent to or received from USFWS ESP Assistant Director Gary Frazer;*

*9. All records related to ZooTampa, from January 1, 2019 through March 11, 2019, the USFWS DMA created, sent to or received from USFWS North Florida Ecological Services Office (NFESO) including but not limited to complaints, reports, or any other documentation regarding substandard care of rehabilitating manatees by ZooTampa veterinarian Dr. Ray Ball, ZooTampa's (Formerly Lowry Park Zoo) Letter of Authorization for Cooperators (LOAFC) and/or violations of the LOAFC, or placement of manatees at ZooTampa;*

*10. All records related to ZooTampa (formerly Lowry Park Zoo), from January 1, 2019 through March 11, 2019, the USFWS Southeastern Regional Director, USFWS DMA, USFWS ESP, or the USFWS NFESO created, sent to or received from the Florida Fish and Wildlife Conservation Commission (FWC) Executive Director Eric Sutton, Deputy Executive Director Thomas Eason, or the FWC Fish and Wildlife Research Institute Director Gil McRae);*

*11. All records related to ZooTampa, from January 1, 2019 through March 11, 2019, the USFWS Southeastern Regional Office, USFWS DMA, USFWS ESP, or USFWS NFESO created regarding violations of the conditions of the LOAFC including but not limited to euthanizing a manatee without prior USFWS authorization, performing experimental procedures on manatees without USFWS authorization, giving drugs experimentally without prior USFWS authorization, falsifying medical treatment records, manatee health assessment records, and falsifying incident report records;*

*12. All records related to any USFWS Law Enforcement Office (LEO) actions involving ZooTampa, or their employee Dr. Ray Ball, resulting from the 45 cases of substandard manatee care over 8 years by Dr. Ray Ball, violations of ZooTampa's LOAFC including, but not limited to, euthanizing a manatee without prior USFWS authorization, performing experimental procedures on manatees without USFWS authorization, and giving drugs experimentally without prior USFWS authorization, falsifying medical treatment records, manatee health assessment records, and falsifying incident report records, and/or resulting violations of the Endangered Species Act and/or Marine Mammal Protection Act;*

*13. All records related ZooTampa, from January 1, 2019 and March 1, 2019, and any USFWS required remedial actions by ZooTampa to retain its authorization under the USFWS Section 10 permit and/or prior to renewal of ZooTampa's LOAFC to address ZooTampa's violations of the LOAFC including, but not limited to, euthanizing a manatee*

*without prior USFWS authorization, performing experimental procedures on manatees without USFWS authorization, and giving drugs experimentally without prior USFWS authorization. falsifying medical treatment records, manatee health assessment records, and falsifying incident report records and/or resulting Endangered Species Act and/or Marine Mammal Protection Act;*

*14. All records received by USFWS Southeastern Regional Office, USFWS DMA, USFWS ESP or USFWS NFESO related to confirmation of alternate veterinary care at ZooTampa in the event their only manatee authorized veterinarian, Dr. Lauren Smith is not available, including but not limited to contracts or written confirmation from manatee experienced veterinarians or their respective zoo, ocnaria, or University;*

*15. All records related to ZooTampa, from January 1, 2019 through March 11, 2019, the USFWS ESP created, sent to or received from USFWS NFESO; and*

*16. All records related to any USFWS internal investigation into USFWS DMA failure to redact names of complainants who came forward to report 45 cases of substandard manatee care.all information relating to the funds claimed to be disbursed by the USFWS in this video by USFWS titled "Poachers and Protectors: The Story of the Scarlet Macaw in Honduras," the Service claimed that it was providing money to conserve Scarlet Macaws in Central America. The video can be found at*

*([https://www.youtube.com/watch?reload=9&v=jDnfm9xJXU&feature=youtu.be&fbclid=IwAR2SsrG6CF5Na0BziRPazpJaVJSG-UZQdcUnLLPp4rvsrzbYT9xTY\\_ijpnE](https://www.youtube.com/watch?reload=9&v=jDnfm9xJXU&feature=youtu.be&fbclid=IwAR2SsrG6CF5Na0BziRPazpJaVJSG-UZQdcUnLLPp4rvsrzbYT9xTY_ijpnE))”*

## **Response**

We are writing to respond to your request. Enclosed is one file containing two hundred and eighty-six (286) pages, which are being released in part as described below:

### *Exemption 6 5 U.S.C. § 552(b)(6)*

Thirty-five (35) pages are released but withheld in part under Exemption 6, which allows an agency to withhold “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6).

The phrase “similar files” covers any agency records containing information about a particular individual that can be identified as applying to that individual. To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information.

Under the FOIA, the only relevant public interest to consider under the exemption is the extent to which the information sought would shed light on an agency’s performance of its statutory duties or otherwise let citizens ‘know what their government is up to. The burden is on the requester to establish that disclosure would serve the public interest. When the privacy interest at stake and the public interest in disclosure have been determined, the two competing interests must be weighed against one another to determine which is the greater result of disclosure - the harm to personal

privacy or the benefit to the public. The purposes for which the request for information is made do not impact this balancing test, as a release of information requested under the FOIA constitutes a release to the general public.

The information that has been withheld under Exemption 6 consists of personal information and we have determined that the individuals to whom this information pertains have a substantial privacy interest in withholding it. Additionally, you have not provided information that explains a relevant public interest under the FOIA in the disclosure of this personal information and we have determined that the disclosure of this information would shed little or no light on the performance of the agency's statutory duties. Because the harm to personal privacy is greater than whatever public interest may be served by disclosure, release of the information would constitute a clearly unwarranted invasion of the privacy of these individuals and we are withholding it under Exemption 6.

We reasonably foresee that disclosure would harm an interest protected by one or more of the nine exemptions to the FOIA's general rule of disclosure.

Cathy Willis, FWS FOIA Officer, is responsible for this partial denial. Larry Mellinger, Attorney-Advisor, in the Office of the Solicitor was consulted.

### **Fees**

We do not bill requesters for FOIA processing fees when their fees are less than \$50.00, because the cost of collection would be greater than the fee collected. See [43 C.F.R. § 2.37\(g\)](#). Therefore, there is no billable fee for the processing of this request.

### **Mediation Services**

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road - OGIS  
College Park, MD 20740-6001  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Web: <https://ogis.archives.gov>  
Telephone: 202-741-5770  
Fax: 202-741-5769  
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

Contact information for the Department's FOIA Public Liaison, whom you may also seek dispute resolution services from, is available at <https://www.doi.gov/foia/foiacenters>.

## Appeal Rights

You may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal **no later than 90 workdays** from the date of this final response. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

**Your appeal must be made in writing.** You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe this response is in error. You must also include with your appeal copies of all correspondence between you and FWS concerning your FOIA request, including your original FOIA request and this response. Failure to include with your appeal all correspondence between you and FWS will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

### *DOI FOIA/Privacy Act Appeals Office Contact Information*

Department of the Interior  
Office of the Solicitor  
1849 C Street, N.W.  
MS-6556 MIB  
Washington, DC 20240

Attn: FOIA/Privacy Act Appeals Office

Telephone: (202) 208-5339  
Fax: (202) 208-6677  
Email: [FOIA.Appeals@sol.doi.gov](mailto:FOIA.Appeals@sol.doi.gov)

For more information on FOIA Administrative Appeals, you may review the Department's FOIA regulations at [43 C.F.R. Part 2, Subpart H](#).

### Conclusion

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. See [5 U.S.C. 552\(c\)](#). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions, please contact Shaunta Nichols, Division of Information Resources & Technology Management, MS: IRTM, 5275 Leesburg Pike, Falls Church, Virginia 22041 (703-358-2374 or via e-mail at [shaunta\\_nichols@fws.gov](mailto:shaunta_nichols@fws.gov)).

Sincerely,

For Cathy Willis  
FWS FOIA Officer