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Cc: "Katherine Meyer"
Subject: [EXTERNAL] FOIA from Sandra Clinger re ZooTampa
Date: Monday, March 11, 2019 9:55:52 AM

March 11, 2019

Tiffany McClurkin, FOIA Coordinator
U.S. Fish and Wildlife Service Region
1875 Century Boulevard
Atlanta, GA 30345
foiar4@fws.gov

Dear Ms. McClurkin,

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and implementing regulations, 36 C.F.R. Part 200) I am requesting the following records:

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.

In addition, I have a previous FOIA request, acknowledged received by the USFWS Headquarters FOIA Office on February 13, 2019 and forwarded to USFWS DMA (Brenda Tapia and Mary Cogliano) that to date has resulted in no acknowledgement by USFWS DMA and to date has exceeded the 10-business day FOIA timeclock established to ensure the public has timely access to public records. There has been no written request for extension or

identification of extenuating circumstances regarding that request.

In an effort to facilitate this FOIA request I have also sent this request respective specific USFWS offices that are referenced in the request and likely house the requested records including the USFWS ESP, the USFWS Southeast Region 4, the USFWS DMA, and the USFWS NFESO.

The 1996 amendments to FOIA explicitly indicate that the term "record" and any other term used in FOIA in reference to information, should "include any information that would be an agency record subject to the requirements of this section when maintained by an agency in any format, including an electronic format." 5 U.S.C. § 552(f)(2). Examples include: maps, photos, digital data, emails, texts, handwritten notes, video and audio tapes, etc.

Congress amended FOIA with the Openness Promotes Effectiveness in Our National (OPEN) Government Act of 2007, 110 Pub. L. No. 175, 121 Stat. 2524 (to be codified at 5 U.S.C. § 552). In the Congressional findings to the OPEN Government Act, Congress found that "the American people firmly believe that our system of government must itself be governed by a presumption of openness." 110 Pub. L. No. 175 § 2(2). In addition, Congress found that "disclosure, not secrecy, is the dominant objective of [FOIA]." Id. § 2(4) (quoting Dep't of Air Force v. Rose, 425 U.S. 352 (1976)). Thus, under FOIA, there is a "strong presumption in favor of disclosure." Id. § 2(3) (quoting Dep't of State v. Ray, 502 U.S. 164 (1991)).

Federal courts have held that any record that leaves a federal government agency and goes to another party cannot be withheld under Exemption 5 of the FOIA. See 5 U.S.C. § 552(b) (5) (2009); see also Mead Data Cent., Inc. v. Dep't of the Air Force, 566 F.2d 242, 253 (D.C. Cir. 1977); Senate of Puerto Rico v. Dep't of Justice, 823 F.2d 574, 587 (D.C. Cir. 1987); Dep't of Interior v. Klamath Water Users Protective Ass'n, 532 U.S. 1, 1 (2001) (Exemption 5 applies to "inter-agency or intra-agency" communication).

If this request is denied in full or in part, please cite the exemptions pursuant to 5 U.S.C. § 552(b) that justify the denial. If an exemption applies, however, please consider exercising the agency's discretionary release powers to disclose the records. Additionally, please release all reasonably segregable portions of the records that do not meet an exemption. **Please note I would prefer to be provided with electronic copies of the requested records. If the agency intends to make records available electronically, I request that the records be made available in word-searchable "pdf" format and can be provided via email to sandysmc@cfl.rr.com.**

Sincerely,

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