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Subject: FWS-2018-00613 FOIA - reinstate data request Torreya
Date: August 21, 2018 at 11:23 AM
To: Tiffany McClurkin foiar4@fws.gov

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August 21, 2018

Ms. McClurkin -

On August 3, I emailed you my offer that your office could delay / put on hold further work on fulfilling my FOIA request (re numbers and ultimate destinations of Torreya ex situ seed production 2007 - 2017), while I explored possibilities for a win-win solution with USF&WS and the main institution (Atlanta Botanical Garden) that is implementing the management plan for Torreya taxifolia.

I now wish to reinstate my FOIA request in its fullness. As I wrote in my July 24 email to you:

None of the documents I was sent contain the answer to the simple set of requests I made: How many seeds were produced each year by the Torreya taxifolia trees outplanted for "safeguarding" the species at the Smithgall Woods and Blairsville sites, beginning in 2007 (and continuing through the last seed production, 2017). Also I requested a report of the ultimate destinations of those ex-situ-generated seeds year by year. Both parts of my request are very important not only for my information needs as founder of Torreya Guardians, but as crucial data for any scientist to assess the year-by-year progress in recovering this species.

I would appreciate receiving the document(s) in two weeks, as I will want to ground my public comment (re the Sept 24 USF&WS deadline) in the data I obtain.

Do know that while I was disappointed in not being able to establish communication (by email or phone) with most of the parties on my list, I do want to **express my gratitude for the three USF&WS people** who were willing to listen to me (by phone) and provide their understanding of agency limitations.

1. First, whoever the male phone receptionist was at headquarters of the Endangered Species program on the morning of August 16: Initially he transferred me to someone's answering machine. I immediately called him back and pleaded for a real human being, expressly asking for someone in the communications department. He arranged for Lisa Ellis to call me that afternoon.

2. **Lisa Ellis, Chief of Communication**, Headquarters (USF&WS). She is excellent. Apparently she was unaware of the Torreya problem and the FOIA request/delay. She patiently listened as I explained the science distinctions (my own paleoecology focus v. the official pathology focus) and the worldview differences too: my own commitment to finding the least interventionist, least expensive, and most citizen-involved solutions for full "recovery" and "delisting" v. the cryopreservation and genetic engineering paths for "preventing extinction" and "safeguarding genetic material" that the Atlanta Botanical Garden and University of Florida identify as their goals. After hearing me out, Ms. Ellis calmly (and repeatedly) explained that the agency cannot force the implementing institutions (e.g., Atlanta Botanical Garden, University of Georgia, and University of Florida) to undertake any actions that they do not wish to do. The ESA only works if non-federal institutions step up to do the work. Hence, I now understand that not only is it impossible for the agency to compel the institutions to document and report such things as ex situ seed production. The agency cannot compel those nongovernmental institutions to communicate with me. Ms. Ellis then offered me two more names (Catherine Phillips and Kelly Bibb) to call who would be familiar with specifics of Torreya. (Phillips, Field Supervisor Panama City FL office, has not returned my phone message.)

3. **Kelly Bibb, Southeast Region, Recovery**. Ms. Bibb and I talked on the phone. She was familiar with the Torreya situation, and she was patient and courteous. She reiterated the point Ms. Ellis had made about the imperative for agency staff to maintain good relations with the implementing institutions. She spoke highly of the expertise and passion of Dr. Vivian Negron-Ortiz. And she allowed me to speak my piece as to why a focus on pathology and an aim to return Torreya to its peak glacial refuge in Florida was scientifically the wrong emphasis. Instead paleoecology expertise (coupled with the new imperative for even non-endangered plants of "climate adaptation") leads one to embrace the kind of action ("assisted migration") that Torreya Guardians have been donating their time for. As I recall, twice Ms. Bibb stated, "I remove myself from this species."

Finally, Ms. McClurkin, please relay to DOI my appreciation for the three agency staff members above.

I look forward to receiving the final document(s) re my FOIA request within two weeks. Do know that I will of course accept a signed document from DOI that the seed data simply hasn't been tracked by the implementing institutions. Thanks to Dr. Ellis, I now understand that USF&WS cannot compel documentation of anything that the implementing institutions do not value as worthy of their own attention and action.

For Torreya,
Connie Barlow, founder of Torreya Guardians, 850-420-8002