

From: Connie Barlow conniebarlow52@gmail.com
Subject: Re: FOIA FWS-2018-00613 1st Partial Response
Date: July 24, 2018 at 10:13 AM
To: Tiffany McClurkin foiar4@fws.gov

CB

Ms McClurkin -

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 do recognize that the ex-situ parent plants that produce have been producing seeds are crucial genetic safeguards against the species extinction. So too may be success in freezing embryos (since the intact seed will not survive drying or freezing). But the Endangered Species Act, which was enacted while I was still in college, was not limited to merely preventing extinction or "safeguarding" the genetics of the species. As a young adult, I was thrilled to witness the gains of how the act was implemented in its early years. The ESA not only prevented extinction of the Peregrine Falcon and the Bald Eagle but helped them to regain their prominence and geographic range in the wild.

Back to the specifics of my FOIA request. I wrote:

"... The Fish & Wildlife Service has not yet posted anything in its ongoing reports database as to the actual quantities of endangered *Torreya taxifolia* seeds produced year-by-year from ex situ plantings in Smithgall Woods and Blairsville GA, since those trees began producing seeds. It is important for the public to know the success of seed production, year by year, and especially the final destinations of those precious seeds, as produced under the terms of the 2010 update of the ESA recovery plan for this endangered species. **My concern is that the seeds at Smithgall Woods may have been unharvested, and therefore "wasted" as food for local squirrels....**" [emphasis added]

In the past I was willing to "live-and-let-live" with this aspect of the *implementation* of the ESA designation and not seek further information. Nor did I attempt to advocate that seeds of such an endangered tree should not be wasted on squirrels. But when it became clear that a person associated with *Torreya* Guardians was being accused of wrong-doing, and that he was also being blamed by Ms. Radcliffe for not notifying official staff until 2016 that seeds were being produced at the official ex-situ location, I realized that the hostility of officials toward our citizen group was no longer tolerable. Hence my FOIA request.

Though I have never been to Smithgall Woods myself, I have gone online and viewed the webpage for "Trails at Smithgall Woods." The first paragraph is this:

Visitor Center Loop Trail

This .3-mile trail begins at our Visitor Center, crosses a small tributary of Dukes Creek, and winds around a large pasture along Dukes Creek. **Just off the trail is a planting of Florida *Torreya*, considered to be one of North America's most critically endangered trees.** There also are a couple of adult swings and several picnic tables.

<https://gastateparks.org/SmithgallWoods/Trails>

Here I will point out the actual passage of the February 28 email to me from Ms. Radcliffe:

"... Plant material was provided by Ron Determann, and a research contract was set up with the UGA Horticulture Department & GMREC to house and care for the trees. This was nearly 20 years ago, and it is unfortunate that we were not notified of the production of fruit before 2016. Luckily the new Superintendent immediately acknowledged that fruit had been illegally harvested without the knowledge of the project partners and put a stop to it. Only then did Jack inform us of the bounty that was available - because he was denied access. I was informed of his recent attempts to regain access to the plants, and that is not going to be allowed by GMREC or UGA.

In summary, *that a citizen is blamed for seemingly not reporting easily observable information* about a grove of endangered trees growing along a marked pathway that citizens are encouraged to walk in a state park is not only unfair, but it suggests a grave failure of

judgment by official implementers of the plan.

Please know that my criticism here of Recovery Plan implementation only pertains to the Implementation of the ex-situ management phase of the recovery plan. Prior to the ex situ out-plantings, Ron Determann of Atlanta Botanical Garden twice guided me on a tour of their facilities where the branchlets were misted and rooted, early seed production was nurtured, and seeds protected from squirrels. I also observed where at least some of those seeds had been planted alongside the greenhouse and were well protected from rodents. (I published a photo-essay of my site visit on the Torreya Guardians website, here: <http://www.torreyaguardians.org/propagate.html#photos>)

I very much look forward to receiving the final set of documents still in process for fulfilling my FOIA request.

Sincerely,
Connie Barlow, founder of Torreya Guardians

On Jul 24, 2018, at 8:02 AM, Tiffany McClurkin <foiar4@fws.gov> wrote:

Good Morning Ms. Barlow,

Attached is your signed 1st partial response letter and documents. As per our conversation, there is still one document that is currently being routed through the proper channels to be sent to the Solicitor's Office for review. Thanks!

V/R

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