

10- 131

RECEIVED
DEC 10 2008
FWS



"Christensen, Kim"
<Kim.Christensen@latimes.com>

10/15/08 06:30 PM

To <R9FOIA@fws.gov>

cc "Christensen, Kim" <Kim.Christensen@latimes.com>

bcc

Subject FOIA request

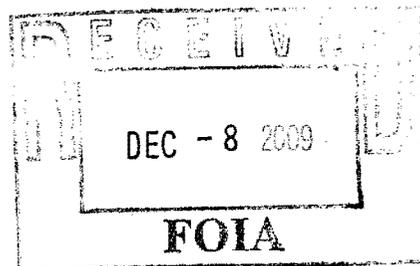
October 15, 2008

FOIA Officer
Division of Policy and Directives Management
U.S. Fish and Wildlife Service
4401 North Fairfax Drive, Room 222
Arlington, VA 22203

FOIA REQUEST

Fee benefit requested

Expedited review requested



JAN - 7 2010

Dear FOI Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of:
<> **All investigative reports and other case records related to "Amazon Trail," an investigation of parrot smuggling conducted by U.S. Fish and Wildlife Special Agent Lisa Nichols, based in San Diego, and/or other USFW agents. The case, now closed, led to the August 2004 arrest (and subsequent conviction) of Joel Valencia.**

I agree to pay reasonable duplication fees for the processing of this request in an amount not to exceed \$50.00. However, please notify me prior to your incurring any expenses in excess of that amount.

As a representative of the news media I am only required to pay for the direct cost of duplication after the first 100 pages. Through this request, I am gathering information on illegal wildlife trafficking that is of current interest to the public because of several factors, including the transmission of disease to animals and humans. This information is being sought on behalf of Los Angeles Times for dissemination to the general public.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

As I am making this request as a journalist and this information is of timely value, I would appreciate your communicating with me by telephone, rather than by mail, if you have questions regarding this request.

Please provide expedited review of this request which concerns a matter of urgency. As a journalist, I am primarily engaged in disseminating information. The public has an urgent need for information about wildlife trafficking, including the smuggling of birds, because of the health hazards it presents. I certify that my statements concerning the need for expedited review are true and correct to the best of my knowledge and belief.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Sincerely,

Kim Christensen

Kim Christensen
Staff Writer
Los Angeles Times
202 West First St.
Los Angeles, CA 90012
213-237-7280 (office)
213-237-7837 (fax)

U.S. Fish & Wildlife Service
Division of Information Resources & Technology Management
4401 N. Fairfax Drive, Mailstop Rm 380
Arlington, VA 22203
T- 703-358-2257
F- 703-358-2251
Email - Teri_Jackson@fws.gov

"Christensen, Kim" <Kim.Christensen@latimes.com>

10/15/08 06:30 PM

To <R9FOIA@fws.gov>

cc "Christensen, Kim" <Kim.Christensen@latimes.com>

Subject FOIA request

October 15, 2008

FOIA Officer
Division of Policy and Directives Management
U.S. Fish and Wildlife Service
4401 North Fairfax Drive, Room 222
Arlington, VA 22203

FOIA REQUEST

Fee benefit requested

Expedited review requested

Dear FOI Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of:
<> **All investigative reports and other case records related to "Amazon Trail," an investigation of parrot smuggling conducted by U.S. Fish and Wildlife Special Agent Lisa Nichols, based in San Diego, and/or other USFW agents. The case, now closed, led to the August 2004 arrest (and subsequent conviction) of Joel Valencia.**

I agree to pay reasonable duplication fees for the processing of this request in an amount not to exceed \$50.00. However, please notify me prior to your incurring any expenses in excess of that amount.

As a representative of the news media I am only required to pay for the direct cost of duplication after the

first 100 pages. Through this request, I am gathering information on illegal wildlife trafficking that is of current interest to the public because of several factors, including the transmission of disease to animals and humans. This information is being sought on behalf of Los Angeles Times for dissemination to the general public.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

As I am making this request as a journalist and this information is of timely value, I would appreciate your communicating with me by telephone, rather than by mail, if you have questions regarding this request.

Please provide expedited review of this request which concerns a matter of urgency. As a journalist, I am primarily engaged in disseminating information. The public has an urgent need for information about wildlife trafficking, including the smuggling of birds, because of the health hazards it presents. I certify that my statements concerning the need for expedited review are true and correct to the best of my knowledge and belief.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Sincerely,

Kim Christensen

Kim Christensen
Staff Writer
Los Angeles Times
202 West First St.
Los Angeles, CA 90012
213-237-7280 (office)
213-237-7837 (fax)



Teri
Jackson/ARL/R9/FWS/DOI
10/27/08 09:37 AM

To "Christensen, Kim" <Kim.Christensen@latimes.com>
cc Johnny Hunt/ARL/R9/FWS/DOI@FWS,
R9FOIA/ARL/R9/FWS/DOI@FWS
bcc
Subject RE: FOIA request (Christensen)

Dear Mr. Christensen,

Thank you for the clarification.

Teri Jackson
Alternate FOIA/Privacy Act/Records Officer
U.S. Fish and Wildlife Service
Division of Information Resources & Technology Management
4401 N. Fairfax, Drive, Mailstop Rm 380
Arlington, VA 22203
(PH) 703-358-2257; (F) 703-358-2251
Email - Teri_Jackson@fws.gov

CL, ATM-B, CTM, Free & Wild Toastmasters Club
Enhance your communication skills, join the
President's Distinguished Free & Wild Toastmasters club!

"Christensen, Kim" <Kim.Christensen@latimes.com>



"Christensen, Kim"
<Kim.Christensen@latimes.com>
10/24/08 04:50 PM

To <Teri_Jackson@fws.gov>
cc
Subject RE: FOIA request (Christensen)

Hi, Teri:

Smuggled birds, including parrots brought in illegally from Mexico, can carry such diseases as psittacosis, avian flu and Exotic Newcastle Disease. These diseases pose a public health risk because they can be fatal to humans in some cases and to large commercial poultry populations.

For example, in the early 2000s, at about the time the parrots in the Valencia case were being smuggled into the United States, there was an outbreak of Exotic Newcastle Disease that resulted in the destruction of several million chickens on commercial farms and cost the U.S. government some \$256 million to eradicate. -

It's my belief that these files might contain information that could help prevent future such outbreaks.

Thanks,
Kim Christensen

From: Teri_Jackson@fws.gov [mailto:Teri_Jackson@fws.gov]



"Christensen, Kim"
<Kim.Christensen@latimes.com>

10/24/08 04:50 PM

To <Teri_Jackson@fws.gov>

cc

bcc

Subject RE: FOIA request (Christensen)

Hi, Teri:

Smuggled birds, including parrots brought in illegally from Mexico, can carry such diseases as psittacosis, avian flu and Exotic Newcastle Disease. These diseases pose a public health risk because they can be fatal to humans in some cases and to large commercial poultry populations.

For example, in the early 2000s, at about the time the parrots in the Valencia case were being smuggled into the United States, there was an outbreak of Exotic Newcastle Disease that resulted in the destruction of several million chickens on commercial farms and cost the U.S. government some \$256 million to eradicate.

It's my belief that these files might contain information that could help prevent future such outbreaks.

Thanks,
Kim Christensen

From: Teri_Jackson@fws.gov [mailto:Teri_Jackson@fws.gov]
Sent: Friday, October 24, 2008 1:40 PM
To: Christensen, Kim
Cc: R9FOIA@fws.gov; Johnny_Hunt@fws.gov
Subject: Fw: FOIA request (Christensen)

Dear Mr. Christensen,

In order for us to make a determination regarding your 'expedited' processing request, we are seeking additional clarification. Please specify the matters involving the risk to the public's health and safety that maybe identified as concerns regarding the smuggling of infected birds.

Under the Department's regulations, 43 CFR 2, if we do not hear from you within 20 workdays, we will assume that you are no longer interested in pursuing your request and will close the file. We look forward to receiving your response.

Thanks,

Teri Jackson
Alternate FOIA/Privacy Act/Records Officer
U.S. Fish and Wildlife Service
Division of Information Resources & Technology Management
4401 N. Fairfax, Drive, Mailstop Rm 380
Arlington, VA 22203
(PH) 703-358-2257; (F) 703-358-2251
Email - Teri_Jackson@fws.gov



"Christensen, Kim"
<Kim.Christensen@latimes.com>

10/22/08 02:42 PM

To <R9FOIA@fws.gov>

cc

bcc

Subject RE: FOIA request (Christensen)

Thanks Teri...I appreciate it...Kim

From: Teri_Jackson@fws.gov [mailto:Teri_Jackson@fws.gov] **On Behalf Of** R9FOIA@fws.gov
Sent: Wednesday, October 22, 2008 11:40 AM
To: Christensen, Kim
Cc: R9FOIA@fws.gov; Johnny_Hunt@fws.gov
Subject: RE: FOIA request (Christensen)

Dear Mr. Christensen,

Thank you for the clarification. I received your voice mail. We will forward your information to the 'office of record'. A response is forthcoming. If you have any questions, please contact us.

Thanks,

Teri Jackson, Alternate FOIA Officer
U.S. Fish & Wildlife Service
Division of Information Resources & Technology Management
4401 N. Fairfax Drive, Mailstop Rm 380
Arlington, VA 22203
T- 703-358-2257
F- 703-358-2251
Email - Teri_Jackson@fws.gov

"Christensen, Kim" <Kim.Christensen@latimes.com>

10/20/08 01:24 PM

To <R9FOIA@fws.gov>

cc

Subject RE: FOIA request (Christensen)

Hi, Teri:

I've also left you a rambling voicemail ...

I made my request for expedited review and processing based on provisions of the FOI Act (as I



"Christensen, Kim"
<Kim.Christensen@latimes.com>

10/20/08 01:24 PM

To <R9FOIA@fws.gov>

cc

bcc

Subject RE: FOIA request (Christensen)

Hi, Teri:

I've also left you a rambling voicemail...

I made my request for expedited review and processing based on provisions of the FOI Act (as I understand it) that allow for it in matters involving public health and safety. I believe this case qualifies because aspects of it involve the potential transmission of deadly diseases by infected birds smuggled into the United States.

I'm not familiar with 43 CFR 2 but looked it up on the Internet. I didn't see any provisions for expedited review but I could have missed it. Basically, I'm trying to get the file as quickly as possible, so if there's something I need to do in accordance with 43 CFR 2, please let me know.

Thanks again for your time and trouble.

Sincerely,
Kim Christensen

From: Teri_Jackson@fws.gov [mailto:Teri_Jackson@fws.gov] **On Behalf Of** R9FOIA@fws.gov
Sent: Monday, October 20, 2008 10:01 AM
To: Christensen, Kim
Cc: R9FOIA@fws.gov; Johnny_Hunt@fws.gov
Subject: Re: FOIA request (Christensen)

Dear Ms. Christensen,

This an acknowledgement regarding your October 15, 2008, Freedom of Information Act (FOIA) request. For your information the FWS number associated with your request is, FWS-2009-00066.

On behalf of our program, we are seeking clarification. You indicated that you are seeking expedited review. Are you seeking 'expedited' processing in accordance with the Department's regulations, 43 CFR 2? For your information, I've provided the Fish & Wildlife Service and Department's URL addresses for your reference. <http://www.fws.gov/irm/bpim/foia.html> and <http://www.doi.gov/foia/>

You may respond to this email at the U.S. Fish and Wildlife Services FOIA mailbox at R9FOIA@fws.gov or fax your reply to us at 703/358-2251.

Under the Department's regulations, 43 CFR 2, if we do not hear from you within 20 workdays, we will assume that you are no longer interested in pursuing your request and will close the file. We look forward to receiving your response.

Thanks,

Teri Jackson, Alternate FOIA Officer



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Office of Law Enforcement
4401 N. Fairfax Drive (LE-3000)
Arlington, VA 22203



*FOIA
Reggie*

DEC - 3 2009

In Reply Refer To:
FWS/LE ADM 4-08-2009-00224

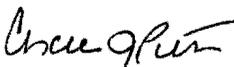
U.S. Department of Agriculture
Animal & Plant Health Inspection Service
Garfield Daly – Act. FOIA Officer
4700 River Road, Unit 50
Riverdale, Maryland 20737

Dear FOIA/PA Coordinator:

While processing a Freedom of Information Act (FOIA) request from Mr. Kim Christensen, we located forty-one pages of documents that originated with the U.S. Department of Agriculture. This document is being referred to your office for a release determination (see enclosed). We have advised Mr. Christensen that he will receive a direct response from your office.

If you have any questions relating to this response, please contact Ms. Marion Dean of my staff at (703) 358-1949.

Sincerely,

fo 

Benito A. Perez
Chief, Office of Law Enforcement

Enclosures



FISH AND WILDLIFE SERVICE

Washington, D.C. 20240

Freedom of Information Act (FOIA)

NO. 100-100000

To: Chief, Office of Law Enforcement

From: Johnny R. Hunt, Service FOIA Officer
Division of Information Resources & Technology Management

Subject: "All investigative reports and other case records related to "Amazon Trail," an investigation of parrot smuggling conducted by U.S. Fish and Wildlife Special Agent Lisa Nichols, based in San Diego, and/or other USFW agents. The case, now closed, led to the August 2004 arrest (and subsequent conviction) of Joel Valencia."

(Please see request for further details)

Requester: Kim Christensen, Los Angeles Times
Request Date: 10/15/08
Request Received: 10/27/08
Request Number: FWS# 2009-00066 (request is placed in the complex track)

Instructions: The Electronic Freedom of Information Act gives bureaus 20 working days from the date of receipt in the 'office of record' (office that created or who has administrative control of the document) to respond. The bureau may take an additional 10 days if the request is voluminous or requires input from multiple locations. In accordance with the Public Citizens v. Department of State ruling, the Department now requires that all pertinent records be provided to the requester up to the *date of search* in accordance with 43 CFR 2.

All withholdings require the respondent to provide the exemption used, appropriate review and concurrence by the Service or a Regional FOIA Officer in consultation with an Attorney-Advisor, and the provision of appeal rights to the requester in accordance with 43 CFR 2. The requester may appeal a fee waiver denial or withholdings to: FOIA Appeals Officer, U.S. Department of the Interior, Room 6556, 1849 C Street NW, Washington, D.C. 20240.

Questions: Call Johnny Hunt (703/358-2504).
Copies: Requester, IRTM FOIA File, TJ, OLE

PROCESSING NOTES:

- 1) Per 10/20/08 email, requester sought 'expedited' processing. (see attached)
- 2) Per 10/15/08 email, requester indicated willingness to pay fees up to \$50.00 dollars. (see attached)
- 3) Per 11/5/08 letter, IRTM denied 'expedited' processing request due to lack of justification. (see attached)
- 4) OLE should conduct a file search for pertinent material and respond directly to the requester on behalf of the Service.



NOV - 5 2008

FWS/IRTM
FOIA #2009-00066

Mr. Kim Christensen
Los Angeles Times
202 West First Street
Los Angeles, CA 90012

Dear Mr. Christensen,

This is an acknowledgement regarding your Freedom of Information Act (FOIA) request dated October 15, 2008.

You requested the following:

“All investigative reports and other case records related to "Amazon Trail," an investigation of parrot smuggling conducted by U.S. Fish and Wildlife Special Agent Lisa Nichols, based in San Diego, and/or other USFW agents. The case, now closed, led to the August 2004 arrest (and subsequent conviction) of Joel Valencia.”

On October 20, 2008, you **modified** your request and on October 24, 2008, via email, you confirmed that you sought ‘expedited’ processing. In accordance with the Departments regulations (43 CFR 2), expedited processing is granted in cases of exceptional need or urgency. Exceptional need or urgency has been interpreted to include jeopardy to life or personal safety, a threatened loss of substantial due process rights, or an overwhelming public interest.

You indicated that you were seeking the material due to the fact that smuggled birds, including parrots brought in illegally from Mexico, can carry such diseases as psittacosis, avian flu and Exotic Newcastle Disease. These diseases pose a public health risk because they can be fatal to humans in some cases and to large commercial poultry populations.

In order to receive expedited processing, a FOIA request must show a “compelling need” by either:

- 1) Establishing that the failure to obtain the records quickly could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or
- 2) If you are a person primarily engaged in disseminating information, by demonstrating that an urgency to inform the public that actual or alleged Federal Government activity exists. 5 U.S.C. 552(e).

3) The loss of substantial due process rights.

Under the Department's regulations your request and subsequent 10/24/08 email do not show how your request qualifies as an exceptional need or urgent circumstance. For example, we cannot discern and you have not shown how your request for 2004 investigative reports regarding parrot smuggling poses an imminent threat to the life or physical safety of an individual. Therefore, we must deny your request for expedited processing based upon the justification that is required in order for us to make a proper decision. We will forward your request to our Washington Headquarters, Office of Law Enforcement (OLE) program for processing. A response will be forthcoming from them. However, please be assured we will make every effort to provide a quick response to you.

In addition to myself the official responsible for this expedited request denial is Larry Mellinger, Attorney Advisor, Office of the Solicitor. Technically, you may appeal this denial to:

U.S. Department of the Interior
Freedom of Information Act Appeals Officer
Mail Stop 6556, MIB
1849 C Street, NW
Washington, D.C. 20240

Your appeal must be in writing and received as soon as possible after the date of this letter. A copy of your original request and this denial letter should accompany the appeal as well as a brief statement of the reasons why you believe this initial decision to be in error. The appeal should be marked "FREEDOM OF INFORMATION ACT APPEAL" both on the envelope and the face of the letter.


Johnny R. Hunt
FWS FOIA Officer