

**EXHIBIT 9**



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Carrie Hyde-Michaels, Chief  
Branch of FOIA/Records Privacy  
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703-358-2291

RE: FOIA request # FWS 2017 00970; Pending Since September 5 2017

Dear Chief Hyde-Michaels,

This correspondence is in regard to the Freedom of Information Act ("FOIA") Request # FWS-2017-00970, which was submitted to the US Fish and Wildlife Service on August 29, 2017, on behalf of our client Friends of Etna Turpentine Camp, Inc., and its President Robert Roscow.

The FOIA Request # FWS-2017-00970 has been pending since the beginning of September when it was finally received and reviewed by Ms. Tiffany McClurkin, the Southeast Region Freedom of Information Act Coordinator.

Ms. McClurkin advised that the request was received and reviewed 7 days after it was sent. Understand that the Service has a duty to produce these documents and for the agency to take an action on a FOIA request within 20 workdays after its receipt. 5 U.S.C. § 552(a)(6)(A)(i).

As of the date of this correspondence, over 70 workdays have elapsed and many of the FOIA representatives that we have contacted have a duty to make this request a priority. Upon information and belief the fulfillment of the request has made minimal progress for over three months. It has been upon consistent communication by undersigned counsel that we have received any status updates on the pending request.

On October 6, 2017, undersigned counsel contacted Ms. McClurkin for a status of the pending request approximately 23 workdays after it was received, as we had not received any correspondence from the FOIA Coordinator requesting an extension of the statutory timeline as required by 5 U.S.C. § 552(a)(6)(B)(i).

The documents requested through the FOIA request are regarding the Suncoast Parkway II, Etna Turpentine Camp, Permit TE 9720B-0 that would allow for the taking of species in the right of way of the proposed toll road, and Biological Opinions in regards to the applied for permit by Florida Department of Transportation.

Throughout the pendency of the FOIA request, it has been made clear that review of the documents in a timely manner was of the utmost importance as the Etna Turpentine Camp, which is listed on the Federal Register of Historic Places and a priority to be preserved, was slated in the right of way of the Suncoast Parkway II toll road. On October 12, 2017 the FOIA Coordinator was advised that the request was to be expedited as the bids on the project were to be sent out October 17, 2017, and undersigned counsel limited the scope of the request for expedition to three documents that were of the most interest. Undersigned counsel was informed that the documents would be produced in a "roll-over" method as soon as review of a document was finalized it would be produced. To date, we have received no documents.

During subsequent correspondence it was again noted that our request was to be expedited as it is necessary for our clients, as court designated interested parties in the preservation of the Etna Turpentine Camp, to review the documentation that was the basis of the grant of the permit by FWS to FDOT for the Suncoast Parkway II.

Despite the repeated requests for expediting the fulfillment of the FOIA request, and providing the FOIA Coordinator with a compelling need for the documents concerning FWS activity in issuing a permit for takings, we were not provided a determination as to whether or not the request for expedited processing would be granted as required by 5 U.S.C. § 552(a)(6)(E)(ii).

On October 24, 2017, we were informed that the Ecological Services FOIA Point of Contact was reviewing the records. On November 1, 2017, we were informed that the FOIA Coordinator had possession of some of the documents and would be conducting a second review, and advised that the documents should be ready for disclosure on November 17, 2017. Finally, on November 22, 2017 undersigned counsel was informed that the responsive documents were going to be forwarded to the Solicitors Office for a final review.

As detailed above, the statutory requirements for fulfilling a FOIA request, whether requested to be expedited or not, has been far exceeded and as the possible destruction of the Etna Turpentine Camp listed on the National Register of Historic Places is eminent, we have no choice but to pursue legal remedies.

**At this time we are placing you on notice that if we do not have possession of responsive documents within 5 business days of receipt of this letter of intent, we will be filing legal action to comply compliance with FOIA. We have repeatedly requested expedited processing and informed the FOIA Coordinator that time is of the essence in this matter as it is pertinent we receive these documents at once since the Suncoast Parkway II is underway and the Etna Turpentine Camp is at risk of destruction.**

Should you have any questions whatsoever, please do not hesitate to contact me.

**Respectfully,**

**/s/ Heidi Mehaffey, Esq.**  
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