

Puddles the Blue Goose

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Subject: Freedom of Information Act Request: Puddles the Blue Goose

Portal

Dear USFWS:

This is a request for records under the Freedom of Information Act. I am requesting records related to FWS's mascot, Puddles the Blue Goose. Specifically, I am requesting records sufficient to answer the following questions:

RECORDS REQUESTED:

(A) All records related to the process of designing the Puddles the Blue Goose mascot (contracts, sketches, etc.)

(B) Records sufficient to answer the following questions:

(1) Whose idea was it to create a FWS mascot in the first place, and why?

(2) Who designed the Puddles mascot, and what was the design process like? (e.g. were there multiple design concepts submitted? Was the design of the character contracted out? (If so, kindly produce the contract).

(3) Were any Puddles-related promotional items or tchotchkes created (e.g trading cards, coloring books)? If so, please produce them.

(4) Were there any life-size Puddles costumes created? If so, please produce records related to the design of the costume (contracts, sketches, etc.) and any guidelines regarding the use of or care for the costume.

(5) Did anyone in Congress ever object to FWS's use of a mascot? I understand that there have been periodic attempts by lawmakers (e.g. former Oklahoma senator Tom Coburn) to rein in agency spending on mascots. If so, please produce all records related to that.

(6) Is FWS still using Puddles as part of its public outreach? If not, why not?

REQUEST FOR FEE WAIVER:

The requested documents will be made available to the general public online for free, and this request is not being made for commercial purposes. I am working on a project examining the history, creation, evolution, and use of mascots across the federal government—because, like many others, I find them fascinating and weirdly delightful. Thus, I respectfully request that any fees related to this request be waived. If you do decide to charge me fees, please notify me in advance if you expect those fees to exceed \$25.

FORM OF PRODUCTION:

I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

CONCLUSION:

Thank you very much for your cooperation with this request. I look forward to hearing from you soon!

Sincerely,

Nicholas Marritz

Subject: FOIA Request DOI-FWS-2022-004066 Submitted

Portal

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Subject: RE: Freedom of Information Act Request #DOI-FWS-2022-004066

Email

FREEDOM OF INFORMATION APPEAL

Dear U.S. Fish and Wildlife Service:

I am appealing FWS's response to my FOIA request DOI-FWS-2022-004066, which I submitted on 3 June 2022. I am appealing the response in its entirety: the scope of the search, the records produced, and all other aspects of the response.

BACKGROUND

I am creating a public records project about federal agency mascots. My FOIA request sought records relating to FWS's mascot, Puddles the Blue Goose. The request sought 7 categories of records:

(A) All records related to the process of designing the Puddles the Blue Goose mascot (contracts, sketches, etc.)

(B) Records sufficient to answer the following questions:

(1) Whose idea was it to create a FWS mascot in the first place, and why?

(2) Who designed the Puddles mascot, and what was the design process like? (e.g. were there multiple design concepts submitted? Was the design of the character contracted out? (If so, kindly produce the contract).

(3) Were any Puddles-related promotional items or tchotchkes created (e.g trading cards, coloring books)? If so, please produce them.

(4) Were there any life-size Puddles costumes created? If so, please produce records related to the design of the costume (contracts, sketches, etc.) and any guidelines regarding the use of or care for the costume.

(5) Did anyone in Congress ever object to FWS's use of a mascot? I understand that there have been periodic attempts by lawmakers (e.g. former Oklahoma senator Tom Coburn) to rein in agency spending on mascots. If so, please produce all records related to that.

(6) Is FWS still using Puddles as part of its public outreach? If not, why not?

FWS responded: "We are releasing 1 record to you that is responsive to your FOIA request. FOIA requests do not answer questions and can only respond with records. Items B, 1-6 are considered questions and may be found with in the record." The record produced was a document with guidelines for using the life-sized Puddles costume. I greatly appreciate FWS's producing this record, as it is partially responsive to Item B(4). However, for the reasons below, FWS's response and record production were incomplete.

FOUNDATIONS FOR APPEAL

ITEM A: This request sought all records related to the process of designing and creating the Puddles mascot. FWS produced no records in response to Item A. FWS response gave no reason for the failure to produce responsive records. Please search for and produce all records responsive to this item.

ITEMS B1-6: I am well aware that FOIA requests cannot compel agencies to answer questions. However, my request did not ask the Service to answer questions; it asked FWS to produce records. The reason I phrased the request as seeking "records sufficient to answer [x]" is to give FWS context for the records I am seeking, and to help to guide the scope of its search. In my experience, agencies generally appreciate this guidance because it helps the agency to avoid searching for and processing large volumes of records that the requestor is not actually interested in. However, if FWS would prefer that I reword the requests to remove the "records sufficient" language, I am amenable to doing that. Here is a revised request:

1. Please produce all records related to the conception, creation, and design of the Puddles the Blue Goose mascot. Please include any contracts or design concepts (e.g. sketches) in your production, as well as any records related to FWS's decision to create a mascot in the first place.
2. Please produce all Puddles-related promotional items, educational items, or tchotchkes, past or present, that took the form of records, such as trading cards, posters, or books (including but not limited to coloring books, activity books, or comic books).
3. Please produce all records related to the conception, creation, design, and use of any life-size Puddles costume. Responsive records would include contracts for the design or production of such a costume; design proposals or sketches; correspondence with the designer or manufacturer; and any guidelines related to the use of or care for the costume.
4. Please produce all correspondence related to Puddles (or to mascots in general) sent to or from any member of Congress, their office, or their staff. Oklahoma Senator Tom Coburn may have sent some responsive correspondence around 2007.
5. Please produce all records related to any decision by FWS to stop using Puddles as part of its public outreach.

Please let me know if this approach is acceptable to you, and please feel free to contact me about any aspect of this appeal. Thank you for your attention to this matter.

Most sincerely,

Nicholas Marritz

Notes are visible to you and other editors of this request.

Contact information overridden:

email

FOIA.Appeals@sol.doi.gov

Subject: FW: [EXTERNAL] RE: Freedom of Information Act Request #DOI-FWS-2022-004066

Email

Mr. Marritz: Thank you for your December 10, 2022, e-mail message to the Department of the Interior's Freedom of Information Act ("FOIA") Appeals Office ("Department") seeking to file a

FOIA appeal ("appeal") regarding a FOIA request to the Fish and Wildlife Service ("FWS"). Unfortunately, the Department cannot accept an appeal for processing from you at this time, as you did not submit copies of all correspondence between you and the FWS regarding the FOIA request (which the Department's FOIA regulations ("regulations") require you to submit in order to file an appeal). See 43 C.F.R. § 2.59 (copy attached). For example, you did not provide the Department with a copy of the FWS's response to the FOIA request that you are seeking to challenge through an appeal.

So, if you remain interested in filing an appeal, the Department must receive a copy of all correspondence between you and the FWS related to the FOIA request (including a copy of the FWS's response letter) no later than 90 workdays from the date of the bureau's final response, which is the time frame specified in the regulations for requesters to file appeals challenging the type of issue(s) that you raise in your e-mail message. See 43 C.F.R. § 2.57(a)-2.58(a) (copy attached). If the Department does not receive all of this documentation from you within the 90-workday time frame, it will not consider your December 10, 2022, e-mail message for processing as an appeal.

You may e-mail a copy of the FOIA request (and any other correspondence with the bureau that you did not previously submit) to this e-mail address (FOIA.Appeals@sol.doi.gov<mailto:FOIA.Appeals@sol.doi.gov>). You may also send this correspondence here via facsimile or in hard copy format through the mail or by courier. The fax number for the FOIA Appeals Office is (202) 208-6677 and its mailing address is as follows:

Department of the Interior
FOIA & Privacy Act Appeals Office
1849 C Street, N.W. - Mail Stop 6556
Washington, D.C. 20240

The Department will not take any further appellate action on this matter if it does not receive the above materials from you within the 90-workday time frame referenced above.

If you have any questions regarding this matter, please e-mail them to the FOIA Appeals Office. Thank you.

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Darrell R. Strayhorn
FOIA & Privacy Act Appeals Officer
Department of the Interior

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Title 43: Public Lands Interior
PART 2—FREEDOM OF INFORMATION ACT, RECORDS AND TESTIMONY
Subpart B—Administrative Appeals

§ 2.57 When may you file an appeal?

(a) You may file an appeal when:

(1) The Bureau withholds records, in part or in whole;

(2) The Bureau informs you that your request has not adequately described the records sought;

(3) The Bureau informs you that it does not possess or cannot locate responsive records and you have reason to believe this is incorrect or that the search was inadequate;

(4) The Bureau did not address all aspects of the request for records;

(5) You believe there is a procedural deficiency (for example, fees are improperly calculated or you have been placed in the wrong fee category);

(6) The Bureau denied your request for a fee waiver;

(7) The Bureau did not make a decision within the time limits in § 2.18 or, if applicable, § 2.18, or

(8) The Bureau denied, or was late in responding to, a request for expedited processing filed under the provisions in § 2.18 of this part.

(b) An appeal under paragraph (a)(5) of this section relates only to the request for expedited processing and does not constitute an appeal of the underlying request for records. Special provisions apply to requests for expedited processing of an appeal on § 2.18 of this subpart.

(c) Before filing an appeal, you may wish to communicate with the contact person listed in the FOIA response, the Bureau's FOIA Officer, and/or the FOIA Public Liaison to see if the issue can be resolved informally. However, appeals must be received by the FOIA Appeals Officer within the time limits in § 2.18 of this subpart or they will not be processed.

[75 FR 7676, Dec. 10, 2010; as amended at 80 FR 11136, Mar. 3, 2015]

Title 43: Public Lands Interior
PART 2—FREEDOM OF INFORMATION ACT, RECORDS AND TESTIMONY
Subpart B—Administrative Appeals

§ 2.59 How do you file an appeal?

(a) You must submit the appeal in writing by mail, fax or email to the FOIA Appeals Officer using the address available at <http://www.dhs.gov/foiaappeals>, after. You follow to send an appeal directly to the FOIA Appeals Officer may delay processing.

(b) The appeal must include:

(1) Copies of all correspondence between you and the Bureau concerning the FOIA request, including the request and the Bureau's response(s) to that request; and

(2) An explanation of why you believe the Bureau's response was deficient.

(c) The appeal should include your name, mailing address, electronic telephone number (or the name and telephone number of an appropriate contact), email address, and the number of available to send the Department needs additional information or clarification.

(d) An appeal concerning a denial of expedited processing or a fee waiver denial should also document why you the criteria in § 2.18 or § 2.18 of this part are met.

(e) All communications concerning an appeal should be clearly marked with the words: "FREEDOM OF INFORMATION ACT APPEAL."

(f) The Department will reject an appeal that does not attach all correspondence required by paragraph (b)(1) of this section, unless the FOIA Appeals Officer determines, in his or her sole discretion, that good cause exists to accept the defective appeal. The time limits for responding to an appeal will not begin to run until the correspondence is received.

43 CFR § 2.59

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You may [follow up](#) manually with the agency or [appeal](#) their decision. If you appeal, MuckRock staff can review the rejection and help write an appeal .