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Aleah Sato

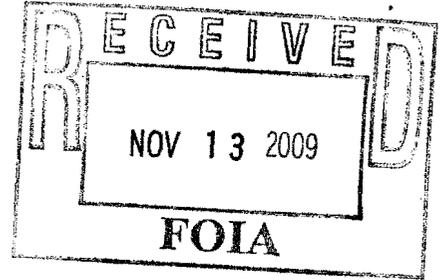
To <foia.officer@aphis.usda.gov>

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Subject FOIA Request



DEC 15 2009

November 13, 2009

By Facsimile and Electronic Mail

Animal and Plant Health Inspection Service
Director, Freedom of Information and Privacy Act Staff
4700 River Road, Unit 50
Riverdale, MD 20737
Email: FOIA@tva.gov

Re: Freedom of Information Act Request Concerning Bear Country USA, located in Rapid City, SD

To Whom It May Concern:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, on behalf of the Animal Defense League of Arizona (the "requester"), I hereby request copies of the following records in the possession of the United States Department of Agriculture (USDA):

All records generated, received, obtained, or created by or for any office of the USDA that in any way relate to, concern, regard, or refer to the **Bear Country USA** facility in Rapid City, SD, and all trade, import, export or business related to said facility.

This request includes, but is not limited to all:

- * Species acquisition and disposition records by and on behalf of Bear Country USA and its representatives;
- * Complaints filed against Bear Country USA;
- * Veterinary inspections and health records;
- * Inspections and reports filed by USDA agents and employees as they relate to complaints, license acquisitions and renewals, import/export inspections; and all other Bear Country USA activities.

For purposes of this request, the term "records" includes, but is not limited to, correspondence of any kind that pertain to the above requests, any reports, letters, analyses, notes, memoranda, maps, plans or draft plans, photographs, video tapes, computer files, electronic mail (e-mail), telephone logs, message notes, minutes of meetings, work papers, and all other forms of records or documents in any way related to the Bear Country USA facility.

Since FOIA provides that if portions of a document are exempt from release, the remainder must nevertheless be segregated and disclosed, we request that you provide us with all non-exempt portions of the requested records. Please explain any deletions by reference to specific provisions of FOIA. In addition, if some of the requested information was at one time, but is no longer, in the custody of the USDA, please provide an explanation as to why the other information is no longer available.

This request satisfies the criteria for fee waiver or reduction under 5 U.S.C. § 552(a)(4).

Animal Defense League of Arizona is an Arizona-based non-profit focused on animal welfare and protection.

None of the information provided under this request will be used for profit or to advance any commercial interest. Rather, the requester's interest lies in using the information to advance its members' and the general public's understanding of Bear Country USA's policies, procedures and records as they relate to the treatment of species under the facility's care. In particular, the requester plans to disseminate the requested materials to advance the public's understanding of Bear Country USA's husbandry and species management practices as they relate to current development plans for a second facility, owned and operated by the same parties, to be established in Arizona under the operating name Bearizona. Findings will be evaluated in accordance with Arizona's wildlife and environment laws to better protect the interest of the public and its native species as well as ensuring adherence to state captive animal policies.

Accordingly, a fee waiver is appropriate since disclosure of the information sought is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii).

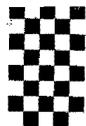
If you anticipate any delay in processing this request or have any questions concerning this request, please contact me at 602-252-2057.

In any case, please provide a response within the time frame required by FOIA.

Thank you for your attention to this matter.

Sincerely,
Aleah R. Sato
Animal Defense League of Arizona Volunteer

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Animal Defense League of Arizona Volunteer