



United States
Department of
Agriculture

April 6, 2011

Animal and
Plant Health
Inspection
Service

Courtney S. Vail
WDCS, US
333 N. Danielson Way
Chandler, Arizona 85225

Legislative and
Public Affairs

Freedom of
Information

Dear Ms. Vail:

4700 River Road
Unit 50
Riverdale, MD
20737-1232

This is in response to your March 9, 2011, Freedom of Information Act (FOIA) request that was received in this office on March 9, 2011, and assigned case number FOIA 11-313.

You requested the following:

- 1). All records, notes (including of phone conversations), correspondence and documentation (electronic or otherwise) relating to the 2006 export of killer whales from Sea World to Loro Parque, Spain (Canary Islands) and dating from March 1, 2003 to the present;
- 2). Specifically, all records, notes (including of phone conversations), correspondence and documentation (electronic or otherwise) relating to the evaluation for comparability of care and maintenance standards for the above said export dating from March 1, 2003;
- 3). All records, correspondence, notes (including phone conversation) and documentation (electronic or otherwise) relating to the policies, processes and procedures utilized by APHIS in evaluating the comparability of foreign facilities and certifying governments towards meeting the requirements (facility licensing requirements) of the Animal Welfare Act (AWA) and Marine Mammal Protection Act (MMPA) for exports of marine mammals to international public display facilities.
- 4). The final and official APHIS investigative report into the death of trainer Dawn Brancheau at SeaWorld Orlando on February 24, 2010, including any records or documentation relating to other incidents resulting in area trainer injury or death.

Agency employees conducted a thorough search of their files and located the enclosed 83 pages of all available documents responsive to items 1, 2, and 3 of your request. Regarding to item 4 (investigation #FL10154) of your request, the search located 64 responsive pages which are being released to you with this letter. Thus, the enclosed CD-ROM contains 147 pages of records that are responsive to your request.

However, information has been withheld under FOIA Exemption 6, 5 U.S.C. §552 (b)(6). This exemption protects information from disclosure when its release would cause a clearly unwarranted invasion of personal privacy. The same information has been withheld pursuant to FOIA Exemption 7(C), 5 U.S.C. § 552 (b)(7)(C). This exemption protects

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from disclosure records or information collected for law enforcement purposes when its release could reasonably be expected to constitute an unwarranted invasion of personal privacy. Specifically, we have withheld third party's names and law enforcement officials pursuant to this exemption.

You may appeal our partial denial determination. If you choose to appeal, your appeal must be in writing and must be received within 45 days of the date of this letter to:

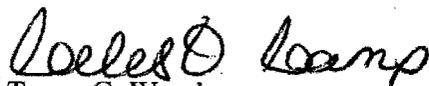
Administrator
Animal and Plant Health Inspection Service
Ag Box 3401
Washington, DC 20250-3401

If you choose to appeal, please refer to FOIA 11-313 in your appeal letter and add the words "FOIA Appeal" to the front of the envelope. To assist the Administrator in reviewing your appeal, provide specific reasons why you believe modification of the determination is warranted.

Also contained on the CD-ROM are copies of your FOIA request and Adobe® Acrobat® Reader™, which is needed to view the responsive records. By opening rp505enu.exe and following the on-screen instructions, you will install Adobe Reader. After the installation, the Adobe Reader should render the PDF files correctly.

Because the cost to process your request is less than \$25.00, the fee has been waived. If you have any questions please contact Ms. Sophie Lau-Lopez of my staff at (301) 734-5360.

Sincerely,

for 
Tonya G. Woods
Director

Freedom of Information & Privacy Act
Legislative and Public Affairs

Enclosure