



United States  
Department of  
Agriculture

July 29, 2011

Animal and  
Plant Health  
Inspection  
Service

Ms. Teresa Marshall  
People for the Ethical Treatment of Animals  
501 Front Street  
Norfolk, Virginia 23510

Legislative and  
Public Affairs

Freedom of  
Information

Dear Ms. Marshall:

4700 River Road  
Unit 50  
Riverdale, MD  
20737-1232

This is in response to your June 9, 2011, Freedom of Information Act (FOIA) request for complete copies of the following records relating to Kole Clapsaddle dba Chief Saunooke Bear Park (55-C-0125), any and all records related to Inspection Reports dated May 12, 2001, March 3, 2011 and February 23, 2011. Your request was received in this office on June 9, 2011, and assigned case number FOIA 11-571. We apologize for the delay of this response.

Agency employees conducted a thorough search of their files and we have enclosed seven pages of records responsive to your request. However, information is withheld pursuant to FOIA Exemption 6, 5 U.S.C. § 552(b)(6). This exemption protects information from disclosure the release of which would cause a clearly unwarranted invasion of personal privacy.

We are withholding records that are part of an Open Investigative Enforcement Services (IES) case, NC11023-AC, under FOIA Exemption 7(A), 5 U.S.C. § 552(b)(7)(A). This exemption protects from disclosure records compiled for law enforcement purposes, the release of which could reasonably be expected to interfere with enforcement activities.

The agency considered whether to make a discretionary release of these documents and determined that releasing this information would harm the agency's open investigation. We have concluded that disclosing documents that are part of an open investigation by APHIS' Investigative and Enforcement Services would harm the agency's interest in effectively enforcing APHIS-administered statutes. In this case, release of investigative information could harm the integrity of the agency's investigative and enforcement process, or provide individuals involved an opportunity to fabricate defenses, change the version of events, and alter and destroy evidence. For these reasons stated above, we have determined that these documents cannot be discretionarily released.

If you wish, you may submit a request for IES case NC11023-AC at a later date.



Safeguarding American Agriculture  
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You may appeal our denial of this information. 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, D.C. 20250-3401

Please refer to FOIA 11-571 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.

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. Deborah L. Leilich of my staff at (301) 734-3623.

Sincerely,

*for*   
Tonya G. Woods

Director  
Freedom of Information & Privacy Act Staff  
Legislative and Public Affairs

Enclosure