

Kacii

10- 056



"Nicole Paquette"  
<Nicole@bornfreeusa.org>  
10/28/2009 07:23 PM

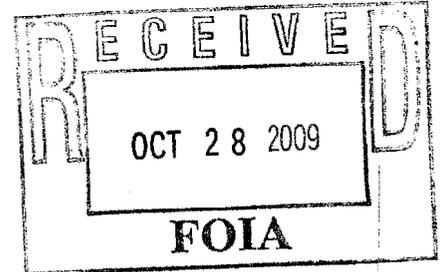
To <foia.officer@aphis.usda.gov>  
cc "Nicole Paquette" <Nicole@bornfreeusa.org>  
bcc

Subject FOIA Request

October 28, 2009

Sent Via Email and Facsimile

Animal and Plant Health Inspection Service  
Director, Freedom of Information and Privacy Act Staff  
4700 River Road, Unit 50  
Riverdale, MD 20737  
Fax: 301-734-5941



NOV 27 2009

To Whom It May Concern:

On behalf of Born Free USA, I am requesting records relating to the Elephant Sanctuary. Born Free USA makes this request under the Freedom of Information Act ( 5 U.S.C. §552.)

Specifically I am requesting the following documents:

AC 1. Any information relating to a letter addressed to Dr. Chester Gipson dated June 24, 2009, co-signed by Robert Hilsenroth, DVM, Executive Director, American Zoo and Aquarium Association of Zoo veterinarians and Kristin L. Vehrs, Executive Director, Association of Zoos and Aquarium. This may include and action taken by the United States Department of Agriculture (USDA), written reports, emails, correspondence, etc.

IJS 2. Any and all records/information regarding any pending investigations against The Elephant Sanctuary in Tennessee by the USDA.

AC, IJS 3. Any and all records/information regarding any official notices of warnings, any stipulations, consent decrees, or settlements The Elephant Sanctuary received or entered into with the USDA.

AC, IJS 4. Any and all information relating to The Elephant Sanctuary.

I am making this request on behalf of the Born Free USA which is a non-profit organization, organized under 26 U.S.C. §501(c)(3) of the Internal Revenue Code. API actively informs the public on matters concerning exotic animals publications, mass media, and our Internet web site. In addition, Born Free USA operates a primate sanctuary, located in Dilley, Texas that is home to approximately 500 non-human primates, many of whom were retired from roadside zoos, the entertainment industry, and pet situations.

Born Free USA has no commercial interest in the requested information and its disclosure will contribute significantly to the public's understanding of regulations pertaining to animal dealers and/or exhibitors.

In the event that access to any of the requested records is denied, please note that the FOIA provides that if only portions of a requested file are exempted from release, the remainder must still be released. I therefore request that I be

provided with all non-exempt portions, which are reasonably segregable. I further request that you describe the deleted material in detail and specify the statutory basis for the denial as well as your reasons for believing that the alleged statutory justification applies in this instance. Please separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest. Such statements will be helpful in deciding whether to appeal an adverse determination, and in formulating arguments in case an appeal is taken. I of course reserve my right to appeal the withholding or deletion of any information and expect that you will list the office and address where such an appeal can be sent.

I anticipate, however, that you will make the requested materials available within the statutorily prescribed period. I thus also request that you waive any applicable fees since disclosure meets the statutory standard for waiver of fees in that it is clearly "in the public interest because furnishing the information can be considered as primarily benefiting the general public." 5 U.S.C. § 552(a)(4)(A). If the foregoing request for fee waiver is denied, and fees are expected to exceed \$50.00, kindly notify me by telephone to this effect before this disclosure request is processed.

Access to the requested records should be granted within twenty (20) working days from the date of your receipt. Failure to respond in a timely manner shall be viewed as a denial of this request and I may immediately file an administrative appeal. Please provide the information to:

Nicole G. Paquette, Esq.  
Senior Vice President & General Counsel  
Born Free USA, 1122 S Street  
Sacramento, CA 95811  
fax: 916-447-3070  
email: [nicole@bornfreeusa.org](mailto:nicole@bornfreeusa.org).

If you have any questions about handling this request, please contact me at (916) 447-3085, ext. 214.

Thank you.

Sincerely,

Nicole G. Paquette, Esq.  
Senior Vice President & General Counsel  
Born Free USA  
1122 S Street  
Sacramento, CA 95811  
[www.bornfreeusa.org](http://www.bornfreeusa.org)  
(916) 447-3085, ext. 214

---

This message contains information from Born Free USA united with Animal Protection Institute that may be confidential or privileged. The information contained herein is intended only for the use of the individual or entity named above. If you are not the intended recipient you are hereby notified that any dissemination, distribution, disclosure, and/or copying of the information contained in this communication is strictly prohibited. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. Finally, the recipient should check this e-mail and any attachments for the presence of viruses. Born Free USA united with API accepts no liability for any damage or loss caused by any virus transmitted by this e-mail.