



United States
Department of
Agriculture

January 14, 2011

Animal and
Plant Health
Inspection
Service

Triton Marine Conservation

11790 Stonehaven Way

Legislative and
Public Affairs

West Palm Beach, Florida 33412

Freedom of
Information

Dear

4700 River Road
Unit 50
Riverdale, MD
20737-1232

This is in response to your December 4, 2010, Freedom of Information Act (FOIA) request for copies of medical records and tank inspection records pertaining to the Killer Whale (*Orcinus Orca*) referred to as "Lolita" being housed at the Miami Seaquarium/Wometco Enterprises, dated August 6, 1970 to the present. You also requested fully detailed records including but not limited to the following:

- Diet; including any and all supplements or medications being given
- Reproductive (including but not limited to failed pregnancies and stillbirths)
- Mental Health Assessments
- Dental Health Assessments (including drilling or filling, and filling of teeth)
- Emergency Medical
- Tank Water Testing: including but not limited to: Bacteria/Parasite counts
- Tank Maintenance
- APHIS/AWA/USDA inspection reports including measurements and violations and remarks past and present.
- APHIS/AWA/USDA approved emergency contingency plan for the Miami Seaquarium in case of a natural disaster or other cause that would concern life support of the marine animals at the facility.

Your request was received in this office on December 13, 2010, and assigned case number FOIA 11-126.

Agency employees conducted a thorough search of their files and located 12 pages of documents that are responsive to your request. However, information has been withheld under FOIA Exemption 5, 5 U. S. C. § 552(b)(5). This exemption protects from disclosure inter-agency or intra-agency information that is predecisional and deliberative.

Information is also being 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. We withheld third party names.



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FOIA 11-126

Please be advised that, Animal Care reports are kept for three years in accordance with the Agency records retention guidelines. The program has advised this office that medical, water testing, and tank sizing records are not maintained in the facility files.

For your information, copies of inspection reports can now be found on our Animal Care web site. To access all available APHIS inspection reports, please visit the APHIS homepage at <http://www.aphis.usda.gov> and click on **FOIA Reading Room** (a bullet item located in the light blue box on the right-hand portion of the screen). Then, click on **Lists of active licensed and registered facilities**, a bullet item located under a Frequently Requested Documents heading. Then, about halfway down that next page, click **Inspection Reports and License and Registration List**. There, you will be able to access a searchable database.

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

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

Please refer to FOIA 11-126 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 fees have been waived. If you have any questions, please contact Ms. Tamara M. Wade of my staff at (301) 734-5268.

Sincerely,



TW
Tonya Woods
Director
Freedom of Information & Privacy Act
Legislative and Public Affairs

Enclosures