



United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Legislative and
Public Affairs

Freedom of
Information

4700 River Road
Unit 50
Riverdale, MD
20737-1232

JUL 20 2010

John Kielty

Dear Mr. Kielty:

This is in response to your July 6, 2010, Freedom of Information Act (FOIA) request in which you are seeking documents regarding Miami Seaquarium's (MSQ) disaster contingency plan to provide emergency sources of water and/or arrangements for relocating marine mammals. Any proposed Disaster Plan submitted to Animal and Plant Health Inspection Service (APHIS) regarding the pending contamination of the MSQ water supply by the gulf oil spill. Your request was received in this office on July 6, 2010, and assigned case number FOIA 10-530.

The Animal Welfare Act (AWA) does not have a disaster plan requirement. Although a written "emergency" contingency plan for marine mammals must be submitted to and approved by the Deputy Administrator, the AWA regulations do not require APHIS to maintain these plans. Nevertheless, Agency employees conducted a thorough search of their files and have advised the FOIA office that our Agency has no records responsive to this request.

You may appeal our no records 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, D.C. 20250-3401

Please refer to FOIA 10-530 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.

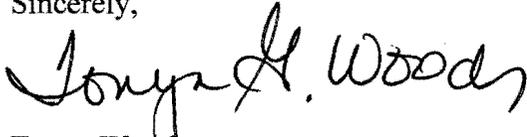


Safeguarding American Agriculture
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Because the cost to process your request is less than \$25.00, the fee has been waived.
If you have any questions, please contact Ms. Deborah L. Leilich of my staff at
(301) 734-3623.

Sincerely,

A handwritten signature in black ink that reads "Tonya Woods". The signature is written in a cursive style with a large, stylized "T" and "W".

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