USDA

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

Diane McNally

Dear Ms. McNally:

This is in response to your July 14, 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. You are also seeking a copy of the MSQ Hurricane preparedness plan. Your request was received in this office on July 14, 2010, and assigned case number FOIA 10-550.

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.

Further, AC does not have access to the Hurricane Preparedness Plan. This plan may, or may not be a State requirement. However, it is not required by the AWA.

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 10-550 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,

Tonya G. Woods

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