

# **EXHIBIT E**



August 31, 2023

**Via Online Portal**

Nicholas Banco, Acting FOIA Officer  
Department of Interior  
National Parks Service  
12795 W. Alameda Parkway, P.O. Box 25287  
Denver, CO 80225  
(202) 208-3553  
[nicholas.banco@sol.doi.gov](mailto:nicholas.banco@sol.doi.gov)

**Re: Freedom of Information Act Request – National Parks Service and Upper Delaware Council Assessments of the Town of Highland Code in Sullivan County, New York**

Dear FOIA Records Officer,

Under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, unless it appears from the face of the document or communication that the document or communication has already been provided to Delaware Riverkeeper Network (DRN) or its attorneys, I am requesting the following:

- (1) A copy of the National Park Service's River Management Plan conformance assessment and determination for the Town of Highland Code issued in 2019.
- (2) A copy of the National Park Service's River Management Plan conformance assessment and determination for the Town of Highland Code issued in 2021.
- (3) All National Park Service assessments of the Town of Highland Code that informed the National Park Service's River Management Plan conformance assessment and determination for the Town of Highland Code issued in either 2019 or 2021.
- (4) All Upper Delaware Council assessments of the Town of Highland Code that informed the National Park Service's River Management Plan conformance

DELAWARE RIVERKEEPER NETWORK  
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assessment and determination of the Town of Highland Code issued in either 2019 or 2021.

(5) A full waiver of all search and duplication fees.

I also kindly request a waiver of any fees associated with a response to this request. Pursuant to 5 U.S.C. 552(a)(4)(A)(iii), documents obtained in the interest of the public fall under the fee waiver category because furnishing these documents is likely to contribute significantly to public understanding of the operations or activities of the Agency. DRN is a nonprofit organization that speaks on behalf of the public and will use the records in a way that serves the public interest. DRN submits the following justification for this fee waiver request:

1. The subject matter of the requested records specifically concerns identifiable operations of activities of the NPS. This request pertains to particular information regarding the status and legal compliance of the NPS's work related Camp FIMFO Catskills, and will be used to inform DRN's position. As such, the request is not made for purely informational content.
2. The disclosure of these requested records is likely to contribute to the public understanding of government operations. The requested records are meaningfully informative to DRN's understanding of the NPS's actions relating the development of Camp FIMFO Catskills. Furthermore, to the best of DRN's knowledge, these documents and the information they contain are not yet in the public domain.
3. DRN, including the Delaware Riverkeeper, speaks on behalf of the Delaware River, its communities' use of the river, and its tributaries. DRN has an interest in the quality of the river and its ecosystems. Release of the requested information will benefit the public at large because it will inform DRN and the Delaware Riverkeeper's public advocacy on the NPS's oversight of Camp FIMFO's development on the Delaware River, including outreach to its 15,000+ members, the press, and the general public regarding the Atlantic sturgeon.
4. DRN has vast experience extracting, analyzing and disseminating this type of information since our establishment in 1988. DRN has scientists on staff and DRN staff have been extracting, analyzing, and disseminating such information related to major developments affecting the Delaware River for over three decades.
5. DRN will disseminate the information through our website and through outreach to relevant interested parties. Outreach may be in the form of emails or through our regular publications.
6. The disclosure would contribute "significantly" to public understanding of government operations and activities regarding the NPS's actions relating to the Camp FIMFO Catskills development abutting the Delaware River. Presently, neither DRN nor the public has access to the information contained in the requested documents and such information is significant to understanding key NPS actions regarding this topic.

If the request is granted, the public knowledge of NPS's activities related to Camp FIMFO Catskills will be significantly enhanced. Our members; who recreate, live, and work in the Delaware River Watershed, will receive an increased understanding through the above-mentioned dissemination activities. The general public will also receive increased understanding through DRN's website.

7. The Delaware Riverkeeper Network has no commercial interest in the disclosure of this information. Although its status as a nonprofit organization is not enough on its own to weigh against commercial interest, the nature of the Delaware Riverkeeper Network is such that the information requested would further the organization's programmatic interests. DRN has no commercial stake in any records that it has requested. Furthermore, the strong public interest outlined above in obtaining this information would outweigh any conceivable commercial interest this information could have for the Delaware Riverkeeper Network.

If my fee request is denied, I request that you contact me to discuss the costs for copying the records before you fulfill my request.

Thank you for your consideration of this request. Please do not hesitate to contact Devon Guyer with any questions at [devon@delawareriverkeeper.org](mailto:devon@delawareriverkeeper.org).

Sincerely,

A handwritten signature in blue ink that reads "Maya K. van Rossum". The signature is written in a cursive style with a long horizontal line extending to the right.

Maya K. van Rossum, the Delaware  
Riverkeeper  
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[keepermaya@delawareriverkeeper.org](mailto:keepermaya@delawareriverkeeper.org)