

ATTACHMENT C



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July 8, 2019

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Charis Wilson, Ph.D.
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Re: Supplemental Freedom of Information Act Request to Freedom of Information Act Request Nos. NPS-2019-00432 and OS-2019-00389

Dear FOIA Officers:

Pursuant to the Freedom of Information Act (“FOIA”), and on behalf of National Parks Conservation Association (“NPCA”), I hereby supplement FOIA Request Nos. NPS-2019-00432 and OS-2019-00389 (the “Initial Request”) with this request (the “Supplemental Request”).

On January 28, 2019, I submitted the Initial Request on behalf of NPCA to each of you via email. NPCA requested documents from the Office of the Secretary of the Interior and from the Washington Headquarters of the National Park Service (“NPS”). The Initial Request, a copy of which is attached, sought records relating to the Department of the Interior’s and NPS’s (together, the “Department”) January 2018 contingency plan (the “2018 NPSCP”), under which units of the National Park System were to be kept accessible to visitors during any lapse of appropriations. The Initial Request also sought records relating to the Department’s January 2019 updated contingency plan (the “2019 Revised Plan”), which readopted the 2018 NPSCP but also included a provision that “[p]arks that collect fees under the Federal Lands Recreation Enhancement Act (FLREA) will utilize available retained recreation fees balances to provides basic visitor services

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. . .”¹ The Initial Request also sought records relating to implementation of these Plans during the 2018-2019 lapse of appropriations and consequent shutdown of the federal Government.

It is NPCA’s position that the back-end cut-off date for the Initial Request, as stated therein, is the date that you begin your search for responsive records. See *McClanahan v. U.S. Dep’t of Justice*, 204 F.Supp.3d 30, 47 (D.D.C. 2016) (“[A] date-of-search cut-off has routinely been found to be reasonable . . .”); *Nat’l Sec. Counselors v. CIA*, 960 F.Supp.2d 101, 153 (D.D.C. 2013) (citing *Public Citizen v. Dep’t of State*, 276 F.3d 634, 642 (D.C. Cir. 2002), for the proposition that the D.C. Circuit “implicitly approv[ed] as reasonable a ‘date-of-search cut-off [date]’”). As such, the Initial Request specified that “[t]he search period” for each of the categories of documents requested included documents up until “the date of search.”

Nevertheless, to avoid any disputes in that regard, NPCA hereby supplements the Initial Request to cover the documents sought therein dated or created between January 28, 2019 (the date of the Initial Request) to this date, July 8, 2019.

The Initial Request is hereby incorporated herein as if fully set forth here. This Supplemental Request does not supersede, amend, or terminate the Initial Request. This Supplemental Request serves only to supplement the Initial Request, to the extent that you contend that the Initial Request’s search period ends on the date of the Initial Request.

On the date hereof, I am also submitting a request for expedited treatment of the Initial Request, a copy of which is also attached to this letter. I hereby request expedited treatment of the instant Supplemental Request on the same grounds as set forth therein as to the Initial Request. The attached request for expedited treatment of the Initial Request is hereby incorporated here as fully as if set forth herein.

I ask for a waiver of fees as to this Supplemental Request on the same basis as set forth in the Initial Request, and that part of that request is incorporated herein as fully as if set forth herein.

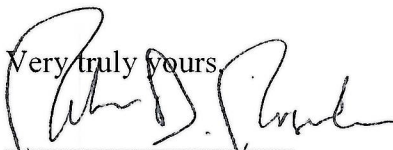
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¹ *National Park Service’s Revised Contingency Plan*, <https://www.doi.gov/sites/doi.gov/files/2018-01-nps-contingency-plan.pdf> (Jan. 2019).

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If you have any question about this matter, please call me at 202-942-5862. Thank you in advance for your assistance.

Very truly yours,

Robert D. Rosenbaum