



Jason Leopold &lt;jasonleopold@gmail.com&gt;

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**FOIA Expedited Processing Disposition Reached for GSA-2020-000919**

1 message

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**admin@foiaonline.gov** <admin@foiaonline.gov>  
To: jasonleopold@gmail.com

Thu, Jun 4, 2020 at 8:07 AM

Your request for Expedited Processing for the FOIA request GSA-2020-000919 has been granted. Additional details for this request are as follows:

- Request Created on: 06/04/2020
- Request Description: Please see attached
- Expedited Processing Original Justification: Please see attached
- Expedited Processing Disposition Reason: N/A

**Exhibit K**



# United States Department of the Interior

NATIONAL PARK SERVICE  
12795 W. Alameda Parkway  
P.O. Box 25287  
Denver, Colorado 80225-0287

June 4, 2020

A7221 (2250)

Jason Leopold  
1669 Benedict Canyon Drive  
Beverly Hills, CA 90210

Dear Mr. Leopold:

Reference: NPS-2020-00868

Subject: Freedom of Information (FOIA) Request

Mr. Leopold,

Your request has been received and has been assigned tracking number NPS-2020-00868. All future correspondence relating to this request should reference this tracking number.

You have asked for expedited processing of your FOIA request. In accordance with the Department of the Interior's (DOI) FOIA regulations ([43 C.F.R. § 2.20](#)) the National Park Service (NPS) will provide expedited processing when a requester demonstrates a compelling need for the records by explaining in detail how the request meets one or both of the criteria below and certifying the explanation is true and correct to the best of the requester's knowledge and belief. The two criteria are as follows:

- (1) Failure to expedite the request could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or
- (2) There is an urgency to inform the public about an actual or alleged government activity and the request is made by a person primarily engaged in disseminating information. (The requested information must be the type of information that has particular value that will be lost if not disseminated quickly; this ordinarily refers to a breaking news story that concerns a matter of public exigency. Information of historical interest only or information sought for litigation or commercial activities would not qualify, nor would a news media deadline unrelated to breaking news.)

Your request does not specify that the information you have requested is needed to protect the life or physical safety of a specific individual or individuals. Although you are a member of the media and a person primarily engaged in disseminating information, your request failed to demonstrate how the value of the information you have requested will be lost if not released to you quickly. Additionally, while you state that there is an urgent need to inform the "public about actual government activity...that may pose an imminent threat to health and safety" your request contains no information demonstrating a direct or clear

Exhibit L

connection between the records you have requested and even a single discrete NPS or US Park Police (USPP) law enforcement activity. Your request for expedited processing is therefore denied.

You have also asked us to waive the fees for processing your request. DOI FOIA regulations ([43 C.F.R. § 2.45\(a\)](#)) state that bureaus will waive, or partially waive, fees if disclosure of all or part of the information is:

- (1) In the public interest because it is likely to contribute significantly to public understanding of government operations or activities, and
- (2) Not primarily in your commercial interest.

DOI FOIA regulations ([43 C.F.R. § 2.48](#)) also provide specific criteria that are used to determine whether these two requirements are met. Your request does not contain enough information to meet the criteria for either expedited processing or a fee waiver. Accordingly, both requests are denied for the reasons discussed below.

First, in order to qualify for a fee waiver, the records being requested must concern discrete, identifiable agency activities, operations, or programs with a connection that is direct and clear, not remote or attenuated. As currently written your request does not meet this criterion. Your search does not identify any discrete NPS activities or operations connected to its subject matter, and many of the locations listed have no NPS operations or facilities of any kind. While in item 1 you indicate that records *should* include correspondence with DHS and other Federal entities such as the Secret Service, the FBI or the Executive Office of the President, you have not limited your request to NPS communications with those entities. Nor was the scope of your request specifically limited to communications sent to or received by NPS law enforcement or USPP staff or leadership.

Because your request has not been limited to specific individuals, either by name or by job or position title, a search will need to be conducted across all NPS employees' emails using the key words and search parameters you have specified in your request. A test search using those parameters across all email accounts in the NPS.gov domain confirmed your request's lack of a connection to any specific NPS program or activity. A preliminary survey and sampling of the voluminous results indicated that, even if we assume your request is focused on NPS law enforcement activities, a significant number of the results did not appear to have any actual connection to those activities, instead including, e.g., news articles sent by automated or push server systems and received by NPS employees, contractors, or volunteers whose work does not relate to law enforcement.

It is also unclear how the third part of your request meets the criteria of informing the public regarding an actual or alleged NPS activity, particularly since, as noted above, there are no NPS facilities located in or near many of the locations you listed. Nor have you specified how records mentioning or referring to riots or protests in those locations would relate to actual or alleged NPS operations or activities, which is what the regulation requires.

You have also provided no information explaining how the records you are requesting would be "meaningfully informative" especially as you have specifically stated that we are not to exclude information that may already be public. Accordingly, since a significant portion of the emails returned during the test search did not appear to relate to either NPS or USPP law enforcement activities, it is unclear how releasing copies of such materials to you would increase the public's understanding of either NPS or USPP law enforcement activities.

You have the right to appeal this denial of your request for expedited processing and the denial of your request for a waiver of fees. You may file an appeal by writing to:

Freedom of Information Act Appeals Officer  
Office of the Solicitor  
U.S. Department of the Interior  
1849 C Street, NW  
MS-6556-MIB,  
Washington, D.C. 20240.

Your appeal must be received as soon as possible after the date of this denial. The appeal should be marked, both on the envelope and the face of the appeal letter, with the legend "FREEDOM OF INFORMATION APPEAL." Your appeal should be accompanied by a copy of all correspondence with the National Park Service. You should also include an explanation of why you believe the National Park Service's decision was in error. Appeals arriving on or delivered after 5 p.m. ET., Monday through Friday, will be deemed received on the next workday.

In accordance with [43 CFR 2.15](#) the National Park Service processes requests on a first-in, first-out basis within several processing tracks. Based on the volume of results returned during a preliminary test search across all NPS email accounts your request has been placed in the extraordinary track. There are currently 3 expedited, 3 simple, 123 normal, 28 complex, and 7 extraordinary requests ahead of this request in the processing queue.

Considering this fee waiver denial, you may wish to modify your request in order to reduce any potential fees. Additionally, given the volume of material identified during a preliminary email search you may also wish to modify the scope of your request, e.g. limiting your request to records held by specific NPS employees, such as senior US Park Police and NPS law enforcement and leadership positions. You may also want to consider specifically excluding as non-responsive news articles and other bulk or junk emails sent from outside sources, unless such materials have been forwarded with additional commentary. . Narrowing the scope of your request could reduce the volume of potentially responsive records, which could also result in your request being moved into a different processing track such as complex or normal.

In accordance with 43 CFR 2.19, we are notifying you that we have determined that we will need to extend the basic 20 workday time limit, in order to respond to your request. We are taking this ten-day extension due to the voluminous nature of a preliminary email search.

We expect to issue our determination response to you by July 13, 2020. If you do not receive our response by that date, you may consider your request administratively denied and may file an appeal. You may file an appeal by writing to:

Freedom of Information Act Appeals Officer  
Office of the Solicitor  
U.S. Department of the Interior  
1849 C Street, NW  
MS-6556-MIB,  
Washington, D.C. 20240  
[foia.appeals@sol.doi.gov](mailto:foia.appeals@sol.doi.gov)

Your failure-to-timely-respond appeal may be filed anytime after the estimated response date provided above and the date we issue our final response. The appeal should be marked, both on the envelope and the face of the appeal letter, with the legend "FREEDOM OF INFORMATION APPEAL." Your appeal

should be accompanied by a copy of your original request and copies of all correspondence between yourself and the National Park Service related to this request. Note, any appeal received after 5 p.m. EST will be considered to have been received on the next business day.

The appeal should be marked, both on the envelope and the face of the appeal letter, with the legend "FREEDOM OF INFORMATION APPEAL." Your appeal should be accompanied by a copy of your original request and copies of all correspondence between yourself and the National Park Service related to this request. Please note appeals received after 5 p.m. EST will be considered to have been received as of the following day.

You may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. You can contact OGIS at:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, MD 20740-6001  
ogis@nara.gov  
1-877-684-6448  
Fax: 202-741-5769

Pursuant to regulation, 43 CFR 2.24 the following person is responsible for this denial:

Charis Wilson  
NPS FOIA Officer

Additionally, the following attorney was consulted during the preparation of this response:

Jason Waanders, Attorney-Advisor, Office of the Solicitor  
U.S. Department of the Interior, Philadelphia

Please do not hesitate to contact me with any further questions or concerns. I can be reached at the address above or by phone at 303-969-2959. I can also be reached via e-mail at [charis\\_wilson@nps.gov](mailto:charis_wilson@nps.gov).

Sincerely,

Charis Wilson  
NPS FOIA Officer