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# United States Department of the Interior

NATIONAL PARK SERVICE  
National Capital Region  
1100 Ohio Drive, S.W.  
Washington, D.C. 20242

IN REPLY REFER TO:

FOIA 2016-00928

November 10, 2016

John Greenewald



john@greenewald.com

Dear Mr. Greenewald:

Subject: Freedom of Information Act Request 2016-00928

This letter is in response to your Freedom of Information Act (FOIA) request submitted to npsfoia@nps.gov dated August 10, 2016, and received to my attention on August 11, 2016, in which you requested a copy of all records concerning the 2005 subsidence and settling of the Jefferson Memorial Plaza, and drops in groundwater levels under the Jefferson Memorial Plaza. Your request has been assigned FOIA Number NPS 2016-00928. Any correspondence with this office regarding this request should refer to this number.

We received an identical FOIA request dated July 29, 2016, for a copy of all records concerning the 2005 subsidence and settling of the Jefferson Memorial Plaza, and drops in groundwater levels under the Jefferson Memorial Plaza. Therefore, we are providing you with the same response and records released.

We are writing to partially respond to your request. We have enclosed 1121 pages of records that are responsive to your request which are being released to you in part. Portions of these materials are being withheld under the following FOIA Exemptions.

We are withholding 2 pages in full under FOIA Exemption 3. [5 U.S.C. § 552\(b\)\(3\)](#). Exemption 3 allows the withholding of information protected by a nondisclosure provision in a federal statute other than FOIA. The National Park Omnibus Management Act (54 U.S.C. § 100707) protects information concerning the nature and specific location of endangered, threatened, rare, or commercially valuable National Park system resources. The information being withheld consists of information relating to sensitive utilities which, if released, could be used to circumvent or damage those systems and accordingly harm the resource and/or park visitors or employees.

We reasonably foresee that disclosure would be prohibited by law or otherwise protected from disclosure under Exemption 3.

Brandon Bies, National Park Service, National Capital Region FOIA Officer, is responsible for this partial denial. Pursuant to 43 CFR 2.24(b)(4), Roland Blackman, Office of the Solicitor, U.S. Department of the Interior was consulted.

We do not bill requesters for FOIA processing fees when their fees are less than \$50.00, because the cost of collection would be greater than the fee collected. *See* [43 C.F.R. § 2.37\(g\)](#). Therefore, there is no billable fee for the processing of this request.

You may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA **no later than 90 workdays** from the date of this letter. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

**Your appeal must be made in writing.** You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe the NPS's response is in error. You must also include with your appeal copies of all correspondence between you and NPS concerning your FOIA request, including your original FOIA request and NPS's response. Failure to include with your appeal all correspondence between you and NPS will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

*DOI FOIA/Privacy Act Appeals Office Contact Information*

Department of the Interior  
Office of the Solicitor  
1849 C Street, N.W.  
MS-6556 MIB  
Washington, DC 20240

Attn: FOIA/Privacy Act Appeals Office

Telephone: (202) 208-5339  
Fax: (202) 208-6677

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. *See* [5 U.S.C. 552\(c\)](#). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road - OGIS  
College Park, MD 20740-6001  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Web: <https://ogis.archives.gov>  
Telephone: 202-741-5770  
Fax: 202-741-5769  
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

We appreciate your interest in the National Park Service. If you have any questions about our response to your request, you may contact Brandon Bies by phone at 202-619-7097, by email at [brandon\\_bies@nps.gov](mailto:brandon_bies@nps.gov), or by mail at 1100 Ohio Dr. S.W. Washington, D.C., 20242.

Sincerely,



Brandon S. Bies  
Freedom of Information Act Officer, National Capital Region