United States Department of the Interior

NATIONAL PARK SERVICE
Pacific West Region
1111 Jackson Street, Suite 700
Oakland, California 94607-4807

IN REPLY REFER TO:
A 7221 (PWR-PA)

SEP 0 2 2010

Ms. Tess Elliott
Point Reyes Light
P.O. Box 210
Point Reyes Station, CA 94956

Dear Ms. Elliott:

This is in response to your Freedom of Information Act (FOIA) request, dated June 15, 2010, sent to National Park Service (NPS) FOIA Officer Charis Wilson. Your request was forwarded to the Pacific West Region for evaluation and response. The Department of the Interior tracking number for this request is NPS-2010-762. Please include this number in future correspondence regarding your request.

You requested:

> *". . . digital photographs (in electronic form), emails, other documents and communications (electronic or print). Everything in this request refers to at least two (and possibly more) National Park Service (NPS) remote cameras trained on Drakes Estero, or Drakes Bay Oyster Company or its owner or personnel, in the Point Reyes National Seashore (PRNS), during the period beginning in January 2005 to the present."*

On July 1, 2010, you submitted an additional FOIA request to Ms. Wilson, which she also forwarded to the Pacific West Region, requesting:

> *". . . the following digital photographs (in electronic form). Everything in this request pertains to a National Park Service (NPS) remote camera trained on Drakes Estero, in the Point Reyes National Seashore (PRNS), on April 26, April 29, and May 8, 2007."*

On July 12, 2010, Acting Regional Director Woody Smeck sent you a letter:

1. Indicating the digital photographs you requested for specific dates in your July 1, 2010 letter appeared to be included in the range of dates in your June 15, 2010 letter. We requested clarification if you intended some other distinction, and

2. Noting that the broader range of photographs in the June 15, 2010 letter would include approximately 250,000 photographs requiring 70 gigabytes of file storage. We proposed

delivery options that included you providing NPS with a portable hard drive with sufficient hard drive capacity to allow us to copy the photographs from our server.

On July 20, 2010, you confirmed via email to Acting FOIA Officer Kevin Killeen that the camera images for the three specific days in your July 1, 2010 request are included in your June 15, 2010 request. As a result we are treating your separate letters as a single request with the aforementioned tracking number.

On your July 19, 2010 telephone call with Kevin Killeen, you indicated you would provide a portable hard drive on which the park could copy the photo images. On July 29, 2010, you delivered a portable hard drive to the park, but unfortunately park staff had to notify you on July 30, 2010, that the hard drive did not function properly. On August 12, 2010, you delivered a second hard drive to the park, and on August 17, 2010, park staff notified you that the photographs identified in Item 7 of your original request had been successfully copied to the hard drive and offered to deliver the drive to your offices or have you pick it up at the park offices. On August 26, 2010, you picked up the drive at the park along with information on the file name and directory structure for the electronic photograph images.

In addition to the photographs, we searched for records responsive to Items 1 through 6 and 8 through 17 of your request, including searches of the paper and electronic files and email of the NPS employees specifically identified in Items 10 through 15. We have enclosed documents responsive to your request.

We have redacted portions of certain documents because they reflect the personal opinions, recommendations, and advice of staff members, and were used to arrive at a final agency decision. Disclosure of such material would inhibit the open and candid expression of such views in similar future deliberations, could confuse the public as to the official agency position on an issue, and have a detrimental effect on our decision making process. Therefore, we are withholding the materials pursuant to exemption 5 of the FOIA (5 U.S.C. 552(b)(5)), which permits an agency to withhold "interagency or intra-agency memorandums or letters that would not be available by law to a party . . . in litigation with the agency."

In addition, certain records have personal information redacted for people who are not NPS staff, including a graduate student doing research in the park, a friend of the graduate student, and a park volunteer. The Department maintains that the individuals identified in the records have privacy interests in withholding this information. We do not perceive, nor have you enunciated, any public interest that would be served in disclosing this data, which would outweigh the privacy interests of the subject individuals. The release of the individuals' names, addresses, telephone numbers, and/or electronic mail addresses would be a violation of their privacy. Therefore, we are withholding this information under exemption 6 of the FOIA (5 U.S.C. 552(b)(6)), which permits an agency to withhold "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy."

If you consider this response a denial, you have the right to appeal this decision by writing to the Freedom of Information Act Appeals Officer, Department of the Interior, 1849 C Street NW, MS-7456, MIB, Washington, D.C. 20240. Your appeal must be in writing and received no later

than 30 workdays after the date of this letter. A copy of your original request and this letter should accompany the appeal as well as a brief statement of the reasons why you believe this initial decision to be in error. The appeal should be marked "Freedom of Information Appeal" both on the envelope and the face of the letter.

Alternatively, as part of the 2007 OPEN Government Act FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a nonexclusive 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 (OGIS)
National Archives and Records Administration
Room 2510
8601 Adelphi Road
College Park, MD 20740-6001

E-mail: ogis@nara.gov
Phone: 301-837-1996
Fax: 301-837-0348
Toll-free: 1-877-684-6448

In addition to myself, Attorney Advisor Deborah Bardwick and Acting FOIA Officer Kevin Killeen participated in this decision. If you have questions about the processing of your FOIA request, Kevin can be reached at 206-220-4051.

Sincerely,

Christine S. Lehnertz
Regional Director, Pacific West Region

Enclosure

cc: Kevin and Nancy Lunny