



United States Department of the Interior

NATIONAL PARK SERVICE

Atlanta Federal Center
1924 Building
100 Alabama Street, SW
Atlanta, GA 30303



IN REPLY REFER TO:
10.D.(SER-FOIA)
DOI-NPS-2026-004235

VIA ELECTRONIC MAIL: NO HARD COPY TO FOLLOW

March 30, 2026

Kelly Cox
Defenders of Wildlife
1130 17th Street NW
Washington, DC 20036

Email: kcox@defenders.org

Dear Kelly Cox:

We are writing to partially respond to your Freedom of Information Act (FOIA) request received in this office on February 27, 2026, assigned tracking number **DOI-NPS-2026-004235**. Please cite this number in all correspondence regarding this request. Specifically, you asked for the following:

"...records from the National Park Service ("NPS" or "Service"), including Cumberland Island National Seashore and the Southeast Regional Office, for the period of January 1, 2024 through the date of this request. This request concerns the four proposed land exchanges at Cumberland Island National Seashore identified in NPS civic engagement materials and NPS Planning, Environment & Public Comment ("PEPC") Project No. 124458: the Copp Nancy R. Wilderness Trust exchange, the Foster Family exchange, the Greyfield Ltd. exchange, and the Lumar, LLC Exchange.

Specifically, I request:

- *Any draft, proposed, or executed "agreements to initiate;" draft, proposed, or executed land exchange agreement; draft, proposed, or executed memoranda of understanding; or similar written instrument reflecting a preliminary or executed agreement to pursue a land exchange.*

o This request is limited to formal written agreement documents or draft agreement instruments and does not seek general correspondence, internal deliberative emails, or other files.

- *Please also provide any formal written document reflecting the date on which NPS initiated or authorized pursuit of each exchange, and any formal milestone schedule or written timeline document for the four exchanges, if such documents exist."*

Interior Region 2 • South Atlantic-Gulf

Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi
North Carolina, Puerto Rico, South Carolina, Tennessee, U.S. Virgin Islands

We have enclosed 11 documents consisting of 95 pages responsive to your request. Four (4) documents consisting of 57 pages are being released to you in full. Seven (7) documents consisting of 38 pages are being withheld in part under Exemptions 5 and 6.

We are continuing to search for additional records responsive to your request.

Exemption 5—43 C.F.R. §§ 2.23, .24

Exemption 5 allows an agency to withhold “inter-agency or intra-agency memorandums or letters which would not be available by law to a party ... in litigation with the agency.” 5 U.S.C. § 552(b)(5). Exemption 5 therefore incorporates the privileges that protect materials from discovery in litigation, including the deliberative process, attorney work-product, attorney-client, and commercial information privileges.

Deliberative Process Privilege

The deliberative process privilege protects the decision-making process of government agencies and encourages the frank exchange of ideas on legal or policy matters by ensuring agencies are not forced to operate in a fishbowl. A number of policy purposes have been attributed to the deliberative process privilege, such as: (1) assuring that subordinates will feel free to provide the decisionmaker with their uninhibited opinions and recommendations; (2) protecting against premature disclosure of proposed policies; and (3) protecting against confusing the issues and misleading the public.

The deliberative process privilege protects materials that are both predecisional and deliberative. The privilege covers records that reflect the give-and-take of the consultative process and may include recommendations, draft documents, proposals, suggestions, and other subjective documents which reflect the personal opinions of the writer rather than the policy of the agency.

The materials that have been withheld under the deliberative process privilege of Exemption 5 are both predecisional and deliberative. They do not contain or represent formal or informal agency policies or decisions. They are the result of frank and open discussions among employees of the Department of the Interior. Their contents have been held confidential by all parties and public dissemination of the information contained in these drafts would have a chilling effect on the agency’s deliberative processes; expose the agency’s decision-making process in such a way as to discourage candid discussion within the agency and thereby undermine its ability to perform its mandated functions.

We are withholding 13 pages in part under this exemption.

The deliberative process privilege does not apply to records created 25 years or more before the date on which the records were requested.

Exemption 6—43 C.F.R. §§ 2.23, .24

Exemption 6 allows an agency to withhold “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6).

The phrase “similar files” covers any agency records containing information about a particular individual that can be identified as applying to that individual. To determine whether releasing records containing information about a particular individual would constitute a clearly

unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information.

The information that has been withheld under Exemption 6 consists of personal email addresses, phone numbers, and home addresses and we have determined that the individuals to whom this information pertains have a substantial privacy interest in withholding it. Additionally, you have not provided information that explains a relevant public interest under the FOIA in the disclosure of this personal information, and we have determined that the disclosure of this information would shed little or no light on the performance of the agency's statutory duties. Because the harm to personal privacy is greater than whatever public interest may be served by disclosure, release of the information would constitute a clearly unwarranted invasion of the privacy of these individuals.

Under the FOIA, the only relevant public interest to consider under the exemption is the extent to which the information sought would shed light on an agency's performance of its statutory duties or otherwise let citizens 'know what their government is up to.' The burden is on the requester to establish that disclosure would serve the public interest. When the privacy interest at stake and the public interest in disclosure have been determined, the two competing interests must be weighed against one another to determine which is the greater result of disclosure: the harm to personal privacy or the benefit to the public. The purposes for which the request for information is made do not impact this balancing test, as a release of information requested under the FOIA constitutes a release to the general public.

We are withholding six (6) pages in part under this exemption.

We reasonably foresee that disclosure would harm an interest protected by one or more of the nine exemptions to the FOIA's general rule of disclosure.

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

Denise Ratajczak
Regional FOIA Officer

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

Brigette Beaton, Office of the Solicitor
U.S. Department of the Interior, Atlanta, GA

Because this is an interim response to your request, we will provide notice of your appeal rights in our final response letter.

Should you have any further questions regarding this request, please feel free to contact me, as the person responsible for processing your request. I can be reached at ser_foia@nps.gov or (470) 707-3396.

Sincerely,

Denise Ratajczak
Regional FOIA Officer