

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DC PRESERVATION LEAGUE, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF THE
INTERIOR, *et al.*,

Defendants.

Civil Action No. 1:26-cv-477

**RESPONSE TO COURT’S ORDER REGARDING
DEFENDANTS’ POSITION ON FINAL AGENCY ACTION**

Defendants maintain that there is no final agency action here. First, the plan is not final because the Park Service has not completed its review and the details of the proposal are subject to change during the review process. Second, any redesign of the golf course is not “agency action” to begin with because it is not the kind of regulation that constitutes a “rule, order, license, sanction, [or] relief” under the APA. 5 U.S.C. § 551(13). The APA does not authorize “judicial review [over] everything done by an administrative agency.” *Indep. Equip. Dealers Ass’n v. E.P.A.*, 372 F.3d 420, 427 (D.C. Cir. 2004). The APA instead applies to legal action such as a “rule” that imposes an “actual legal effect” on the rights or obligations of “regulated parties.” *Nat’l Min. Ass’n v. McCarthy*, 758 F.3d 243, 251 (D.C. Cir. 2014). An agency’s redesign of its facilities does not qualify. Just as a decision to redesign all the art exhibits in a Smithsonian Museum would not be agency action, neither would a decision to redesign a golf course, or to trim trees, replace fences, expand the fairways, or mow the lawn.

We also respectfully note that the Court's order mischaracterizes Defendants' position. Defendants did not portend to represent the actual position or mental impressions of the President in arguing that no final agency action had occurred. Instead, commenting only on the President's publicly available statements, Defendants presented an argument about what those statements might be evidence of. Defendants further maintain that any direct communication with the President would be protected by many constitutional-based privileges.

Dated: October 18, 2026

Respectfully submitted,

/s/ Stanley E. Woodward, Jr.
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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2026, I filed the foregoing document with the Clerk of Court using the Court's CM/ECF system, thereby serving all counsel who appeared in this case.

/s/ Stanley E. Woodward, Jr.
STANLEY E. WOODWARD, JR.
Associate Attorney General