

Young, Deirdre R

From: Lackey, Melissa <melissa.lackey@sol.doi.gov>
Sent: Monday, October 07, 2013 4:43 PM
To: Roth, Barry
Cc: Sheaffer, C. B.; McDowall, Lena; Edward Boling
Subject: Re: Bruce/Lena
Attachments: Concession and Leases Q&A-BNR.docx

Lena/All:

Attached is my mark-up of Barry's revision. (b) (5)

(b) (5)

Melissa Lackey

Attorney Advisor
U. S. Department of the Interior, Office of the Solicitor
1849 C Street NW, Room 5323
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Phone: 202 513-0733 Fax: 202 208-3877

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On Mon, Oct 7, 2013 at 3:00 PM, Roth, Barry <barry.roth@sol.doi.gov> wrote:

Is this more what you had in mind. We could also (b) (5)

(b) (5)

Barry N. Roth
Associate Solicitor
Division of Parks & Wildlife
202-208-4344

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Barry.Roth@sol.doi.gov

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Young, Deirdre R

From: Roth, Barry <barry.roth@sol.doi.gov>
Sent: Monday, October 07, 2013 3:00 PM
To: Sheaffer, C. B.; McDowall, Lena; Melissa Lackey; Edward Boling
Subject: Bruce/Lena
Attachments: Concession and Leases Q&A-BNR.docx

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Young, Deirdre R

From: Lackey, Melissa <melissa.lackey@sol.doi.gov>
Sent: Monday, October 07, 2013 10:08 AM
To: Lena McDowall; Edward Boling; Edward Keable; Barry Roth
Subject: Concessions and Leases Qs and As
Attachments: Concession and Leases Q&A.docx

Lena:

Lena:

Attached are the revisions I made to the NPS' Q and A sheet. I edited the final answer a bit (b) (5)

(b) (5)

Melissa Lackey

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Young, Deirdre R

From: Barry Roth <barry.roth@sol.doi.gov>
Sent: Sunday, October 06, 2013 6:11 PM
To: Lackey, Melissa
Cc: Lena McDowall
Subject: Re: Talking Points: Concession Contracts versus Leases

(b) (5)

Cc Ted

Boling, Keable and me on the email back to Lena.

Right now Lena doesn't think you are needed tomorrow but understands you are on call if telework is later found to be needed.

Thanks for all your work on these matters.

Barry N Roth
Associate Solicitor for Parks & Wildlife
202-208-4344

Sent from my iPhone

On Oct 6, 2013, at 6:02 PM, "Lackey, Melissa" <melissa.lackey@sol.doi.gov> wrote:

Barry:

Lena asked me to edit the attached Q & A instrument. (b) (5)

(b) (5)

After you have taken a look at this document, please let me know if you have any suggested edits. Otherwise, please let Lena and me know that it acceptable for use.

Melissa Lackey

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<Concession and Leases Q&A.docx>

Young, Deirdre R

From: Lackey, Melissa <melissa.lackey@sol.doi.gov>
Sent: Sunday, October 06, 2013 6:02 PM
To: Barry Roth
Cc: Lena McDowall
Subject: Talking Points: Concession Contracts versus Leases
Attachments: Concession and Leases Q&A.docx

Barry:

Lena asked me to edit the attached Q & A instrument. (b) (5)

(b) (5)

After you have taken a look at this document, please let me know if you have any suggested edits. Otherwise, please let Lena and me know that it acceptable for use.

Melissa Lackey

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What is a concession?

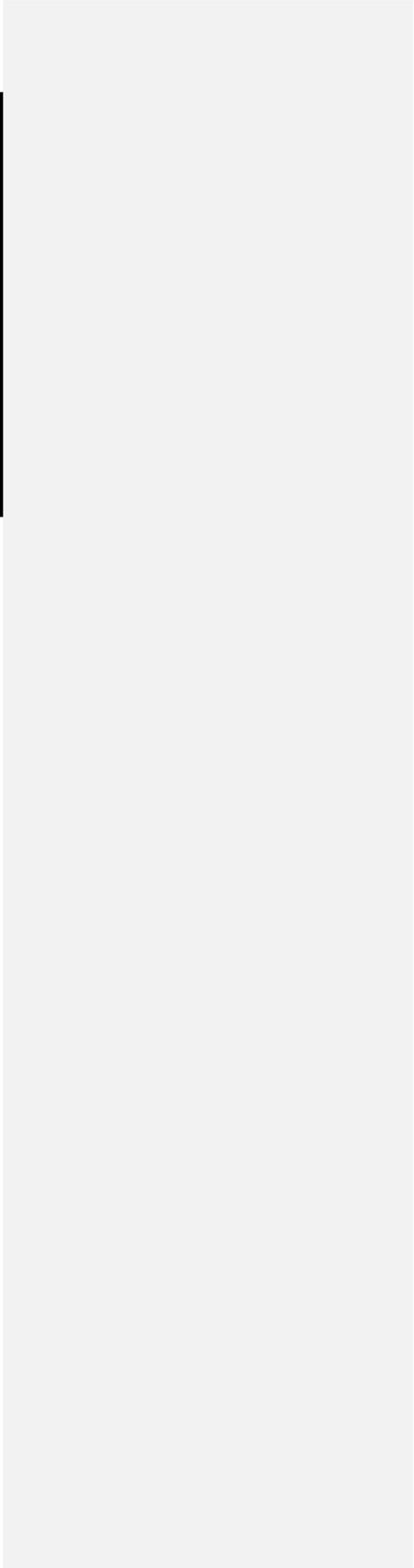
(b) (5)

Why do concessioners have to close during the government shutdown?

(b) (5)

(b) (5)

(b) (5)



Young, Deirdre R

From: McDowall, Lena <lena_mcdowall@nps.gov>
Sent: Sunday, October 06, 2013 3:23 PM
To: Melissa Lackey
Subject: Concessions and Leases FAQs for NPS Communications staff
Attachments: Concession and Leases Q&A.docx

Melissa -

I meant to get this to you on Friday. The Communications staff keep getting questions about why concessions have to close while we're allowing leased facilities to stay open during the shutdown. I drafted the attached 1 pager to explain the difference between a concessions contract and a lease and to explain why concessions have to close but leased facilities can stay open. I could use some help with the explanation of why we don't close leased facilities during a shutdown. (b) (5)

(b) (5)

(b) (5)

as well.

feel free to edit any of the sections

Thanks,

Lena

--

Lena McDowall
Associate Director, Business Services
Ph: (202) 208-5651
Cell: (202) 641-1814
Email: Lena_McDowall@nps.gov

What is a concession?

(b) (5)

Why do concessioners have to close during the government shutdown?

(b) (5)

(b) (5)

Young, Deirdre R

From: Haze, Pam <pam_haze@ios.doi.gov>
Sent: Wednesday, October 16, 2013 8:23 AM
To: Bruce Sheaffer
Subject: Fwd: private economy
Attachments: m95-18.pdf

----- Forwarded message -----

From: Haze, Pam <pam_haze@ios.doi.gov>
Date: Fri, Oct 4, 2013 at 4:20 PM
Subject: private economy
To: Edward T Keable <Edward.Keable@sol.doi.gov>





EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

August 22, 1995

M-95-18

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Alice M. Rivlin *AMR*
Director

SUBJECT: Agency Plans for Operations During Funding Hiatus

OMB Bulletin 80-14, dated August 28, 1980 (and amended by the OMB Director's memorandum of November 17, 1981) requires all agencies to maintain contingency plans to deal with a possible appropriations hiatus. The bulletin requires agency plans to be consistent with the January 16, 1981 opinion of the Attorney General on this subject.

The Office of Legal Counsel of the Department of Justice has issued an opinion dated August 16, 1995 that updates the 1981 opinion. A copy of the August 16th opinion is attached. You should review your plans in light of this opinion, make any changes necessary to conform to the opinion, and otherwise ensure your plan is up to date.

Please send a copy of your updated plan to your OMB program examiner no later than September 5, 1995. Any questions should be directed to your program examiner.

Attachment



U. S. Department of Justice

Office of Legal Counsel

Office of the
Assistant Attorney General

Washington, D.C. 20530

August 16, 1995

**MEMORANDUM FOR ALICE RIVLIN
DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET**

From: Walter Dellinger *WED/uc*
Assistant Attorney General

Re: Government Operations in the Event of a Lapse in Appropriations

This memorandum responds to your request to the Attorney General for advice regarding the permissible scope of government operations during a lapse in appropriations.¹

The Constitution provides that "no money shall be drawn from the treasury, but in consequence of appropriations made by law." U.S. Const. art. I, § 9, cl. 7. The treasury is further protected through the Antideficiency Act, which among other things prohibits all officers and employees of the federal government from entering into obligations in advance of appropriations and prohibits employing federal personnel except in emergencies, unless otherwise authorized by law. See 31 U.S.C. § 1341 et seq.²

In the early 1980s, Attorney General Civiletti issued two opinions with respect to the implications of the Antideficiency Act. See "Applicability of the Antideficiency Act Upon A Lapse in an Agency's Appropriations," 4A Op. O.L.C. 16 (1980); "Authority for the Continuance of Government Functions During a Temporary Lapse in Appropriations," 5 Op. O.L.C. 1 (1981) (1981 Opinion). The 1981 Opinion has frequently been cited in the ensuing years. Since that opinion was written, the Antideficiency Act has been amended in one

¹ We do not in this memorandum address the different set of issues that arise when the limit on the public debt has been reached and Congress has failed to raise the debt ceiling.

² For the purposes of this inquiry, there are two relevant provisions of the Antideficiency Act. The first provides that "[a]n officer or employee of the United States Government or the District of Columbia government may not . . . involve either government in a contract or obligation for the payment of money before an appropriation is made unless authorized by law." 31 U.S.C. § 1341(a)(1)(B). The second provides that "[a]n officer or employee of the United States Government . . . may not accept voluntary services . . . or employ personal services exceeding that authorized by law except for emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342.

respect, and we analyze the effect of that amendment below. The amendment amplified on the emergencies exception for employing federal personnel by providing that "[a]s used in this section, the term 'emergencies involving the safety of human life or the protection of property' does not include ongoing, regular functions of government the suspension of which would not imminently threaten the safety of human life or the protection of property." 31 U.S.C. § 1342.

With respect to the effects of this amendment, we continue to adhere to the view expressed to General Counsel Robert Damus of the Office of Management and Budget that "the 1990 amendment to 31 U.S.C. § 1342 does not detract from the Attorney General's earlier analyses; if anything, the amendment clarified that the Antideficiency Act's exception for emergencies is narrow and must be applied only when a threat to life or property is imminent." Letter from Walter Dellinger to Robert G. Damus, October 19, 1993. In order to ensure that the clarification of the 1990 amendment is not overlooked, we believe that one aspect of the 1981 Opinion's description of emergency governmental functions should be modified. Otherwise, the 1981 Opinion continues to be a sound analysis of the legal authorities respecting government operations when Congress has failed to enact regular appropriations bills or a continuing resolution to cover a hiatus between regular appropriations.

I.

Since the issuance of the extensive 1981 Opinion, the prospect of a general appropriations lapse has arisen frequently. In 1981, 1982, 1983, 1984, 1986, 1987 and 1990, lapses of funding ranging from several hours to three days actually did occur. While several of these occurred entirely over weekends, others required the implementation of plans to bring government operations into compliance with the requirements of the Antideficiency Act. These prior responses to the threat of or actual lapsed appropriations have been so commonly referred to as cases of "shutting down the government" that this has become a nearly universal shorthand to describe the effect of a lapse in appropriations. It will assist in understanding the true extent of the Act's requirements to realize that this is an entirely inaccurate description. Were the federal government actually to shut down, air traffic controllers would not staff FAA air control facilities, with the consequence that the nation's airports would be closed and commercial air travel and transport would be brought to a standstill. Were the federal government to shut down, the FBI, DEA, ATF and Customs Service would stop interdicting and investigating criminal activities of great varieties, including drug smuggling, fraud, machine gun and explosives sales, and kidnapping. The country's borders would not be patrolled by the border patrol, with an extraordinary increase in illegal immigration as a predictable result. In the absence of government supervision, the stock markets, commodities and futures exchanges would be unable to operate. Meat and poultry would go uninspected by federal meat inspectors, and therefore could not be marketed. Were the federal government to shut down, medicare payments for vital operations and medical services would cease. VA hospitals would abandon patients and close

their doors. These are simply a few of the significant impacts of a federal government shut down. Cumulatively, these actions and the others required as part of a true shut down of the federal government would impose significant health and safety risks on millions of Americans, some of which would undoubtedly result in the loss of human life, and they would immediately result in massive dislocations of and losses to the private economy, as well as disruptions of many aspects of society and of private activity generally, producing incalculable amounts of suffering and loss. -

The Antideficiency Act imposes substantial restrictions on obligating funds or contracting for services in advance of appropriations or beyond appropriated levels, restrictions that will cause significant hardship should any lapse in appropriations extend much beyond those we have historically experienced. To be sure, even the short lapses that have occurred have caused serious dislocations in the provision of services, generated wasteful expenditures as agencies have closed down certain operations and then restarted them, and disrupted federal activities. Nevertheless, for any short-term lapse in appropriations, at least, the federal government will not be truly "shut down" to the degree just described, simply because Congress has itself provided that some activities of government should continue even when annual appropriations have not yet been enacted to fund current activities.

The most significant provisions of the Antideficiency Act codify three basic restrictions on the operation of government activities. First, the Act implements the constitutional requirement that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law." U.S. Const. art. I, § 9, cl. 7. Second, when no current appropriations measure has been passed to fund contracts or obligations, it restricts entering into contracts or incurring obligations (except as to situations authorized by other law). Third, it restricts employing the services of employees to perform government functions beyond authorized levels to emergency situations, where the failure to perform those functions would result in an imminent threat to the safety of human life or the protection of property.³ The 1981 Opinion elaborated on the various exceptions in the Antideficiency Act that permit some continuing government functions, and we will only summarize the major categories here:

- Multi-year appropriations and indefinite appropriations.

Not all government functions are funded with annual appropriations. Some operate under multi-year appropriations and others operate under indefinite appropriations provisions that do not require passage of annual appropriations legislation. Social security is a prominent example of a program that operates under an indefinite appropriation. In such

³ These restrictions are enforced by criminal penalties. An officer or employee of the United States who knowingly and willfully violates the restrictions shall be fined not more than \$5,000, imprisoned for not more than 2 years, or both. 31 U.S.C. §1350.

cases, benefit checks continue to be honored by the treasury, because there is no lapse in the relevant appropriation.

- Express authorizations: contracting authority and borrowing authority.

Congress provides express authority for agencies to enter into contracts or to borrow funds to accomplish some of their functions. An example is the "food and forage" authority given to the Department of Defense, which authorizes contracting for necessary clothing, subsistence, forage, supplies, etc. without an appropriation. In such cases, obligating funds or contracting can continue, because the Antideficiency Act does not bar such activities when they are authorized by law. As the 1981 Opinion emphasized, the simple authorization or even direction to perform a certain action that standardly can be found in agencies' enabling or organic legislation is insufficient to support a finding of express authorization or necessary implication (the exception addressed next in the text), standing alone. There must be some additional indication of an evident intention to have the activity continue despite an appropriations lapse.

- Necessary implications: authority to obligate that is necessarily implied by statute.

The 1981 Opinion concluded that the Antideficiency Act contemplates that a limited number of government functions funded through annual appropriations must otherwise continue despite a lapse in their appropriations because the lawful continuation of other activities necessarily implies that these functions will continue as well. Examples include the check writing and distributing functions necessary to disburse the social security benefits that operate under indefinite appropriations. Further examples include contracting for the materials essential to the performance of the emergency services that continue under that separate exception. In addition, in a 1980 opinion, Attorney General Civiletti opined that agencies are by necessary implication authorized "to incur those minimal obligations necessary to closing [the] agency." The 1981 opinion reiterated this conclusion and consistent practice since that time has provided for the orderly termination of those functions that may not continue during a period of lapsed appropriations.

- Obligations necessary to the discharge of the President's constitutional duties and powers.

Efforts should be made to interpret a general statute such as the Antideficiency Act to avoid the significant constitutional questions that would arise were the Act read to critically impair the exercise of constitutional functions assigned to the executive. In this regard, the 1981 Opinion noted that when dealing with functions instrumental in the discharge of the President's constitutional powers, the "President's obligational authority . . . will be further buttressed in connection with any initiative that is consistent with statutes -- and thus with the exercise of legislative power in an area of concurrent authority -- that are more narrowly drawn than the Antideficiency Act and that would otherwise authorize the President to carry

out his constitutionally assigned tasks in the manner he contemplates." 1981 Opinion, at 6-7.⁴

- Personal or voluntary services "for emergencies involving the safety of human life or the protection of property."

The Antideficiency Act prohibits contracting or obligating in advance of appropriations generally, except for circumstances just summarized above. The Act also contains a separate exception applicable to personal or voluntary services that deal with emergencies. 31 U.S.C. § 1342. This section was amended in 1990. We will analyze the effects of that amendment in Part II of this memorandum.

Finally, one issue not explicitly addressed by the 1981 Opinion seems to us to have been settled by consistent administrative practice. That issue concerns whether the emergency status of government functions should be determined on the assumption that the private economy will continue operating during a lapse in appropriations, or whether the proper assumption is that the private economy will be interrupted. As an example of the difference this might make, consider that air traffic controllers perform emergency functions if aircraft continue to take off and land, but would not do so if aircraft were grounded. The correct assumption in the context of an anticipated long period of lapsed appropriations, where it might be possible to phase in some alternatives to the government activity in question, and thus over time to suspend the government function without thereby imminently threatening human life or property, is not entirely clear. However, with respect to any short lapse in appropriations, the practice of past administrations has been to assume the continued operation of the private economy, and so air traffic controllers, meat inspectors, and other similarly situated personnel have been considered to be within the emergency exception of § 1342.

⁴ The Attorneys General and this office have declined to catalog what actions might be undertaken this heading. In 1981, for example, Attorney General Civiletti quoted Attorney General (later Justice) Frank Murphy. "These constitutional powers have never been specifically defined, and in fact cannot be, since their extent and limitations are largely dependent upon conditions and circumstances. . . . The right to take specific action might not exist under one state of facts, while under another it might be the absolute duty of the Executive to take such action." 5 Op. O.L.C. at 7 n.9 (quoting 39 Op. Att'y Gen. 343, 347-48 (1939)). This power should be called upon cautiously, as the courts have received such executive branch assertions skeptically. See, e.g., Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579 (1952); George v. Ishimaru, 849 F. Supp. 68 (D.D.C.), vacated as moot, No. 94-5111, 1994 WL 517746 (D.C. Cir., Aug. 25, 1994). But see Haig v. Agee, 453 U.S. 280 (1981); In re Neagle, 135 U.S. 1 (1890).

II.

The text of 31 U.S.C. §1342, as amended in 1990, now reads:

An officer or employee of the United States Government or of the District of Columbia government may not accept voluntary services for either government or employ personal services exceeding that authorized by law except for emergencies involving the safety of human life or the protection of property. This section does not apply to a corporation getting amounts to make loans (except paid in capital amounts) without legal liability of the United States Government. As used in this section, the term "emergencies involving the safety of human life or the protection of property" does not include ongoing, regular functions of government the suspension of which would not imminently threaten the safety of human life or the protection of property.

31 U.S.C. § 1342. Because of the § 1342 bar on employing personal services, officers and employees may employ personal services in excess of other authorizations by law only in emergency situations.⁵ This section does not by itself authorize paying employees in emergency situations, but it does authorize entering into obligations to pay for such labor.

The central interpretive task under § 1342 is and has always been to construe the scope of the emergencies exception of that section. When the 1981 Opinion undertook this task, the predecessor to § 1342 did not contain the final sentence of the current statute, which was added in 1990. Examining that earlier version, the Attorney General concluded that the general language of the provision and the sparse legislative history of it did not reveal its precise meaning. However, the opinion was able to glean some additional understanding of the statute from that legislative history.

The Attorney General noted that as originally enacted in 1884, the provision forbade unauthorized employment "except in cases of sudden emergency involving the loss of human life or the destruction of property." 23 Stat. 17. He then observed that in 1950, Congress

⁵ The 1981 Opinion concluded that:

[d]espite the use of the term 'voluntary service,' the evident concern underlying this provision is not government agencies' acceptance of the benefit of services rendered without compensation. Rather, the original version of § [1342] was enacted as part of an urgent deficiency appropriation act in 1884, Act of May 1, 1994, ch. 37, 23 Stat. 15, 17, in order to avoid claims for compensation arising from the unauthorized provision of services to the government by non-employees, and claims for additional compensation asserted by government employees performing extra services after hours. This is, under [§ 1342], government officers and employees may not involve government in contract for employment, i.e., for compensated labor, except in emergency situations. 30 Op. Att'y Gen. 129, 131 (1913).

enacted the modern version of the Antideficiency Act and accepted revised language for § 1342 that originally had been suggested by the Director of the Bureau of the Budget and the Comptroller General in 1947. In analyzing these different formulations, the Attorney General stated that

[w]ithout elaboration, these officials proposed that 'cases of sudden emergency' be amended to 'cases of emergency,' 'loss of human life' to 'safety of human life,' and 'destruction of property' to 'protection of property. These changes were not qualified or explained by the report accompanying the 1947 recommendation or by any aspect of the legislative history of the general appropriations act for fiscal year 1951, which included the modern §[1341]. Act of September 6, 1950, Pub. L. No. 81-759, §1211, 64 Stat. 765. Consequently, we infer from the plain import of the language of their amendments that the drafters intended to broaden the authority for emergency employment.

5 Op. O.L.C. at 9.

The 1981 Opinion also sought guidance from the consistent administrative practice of the Office of Management and Budget in applying identical "emergencies" language found in another provision. That other provision prohibits OMB from apportioning appropriated funds in a manner that would indicate the need for a deficiency or supplemental appropriation, except in cases of "emergencies involving the safety of human life, [or] the protection of property" -- phraseology identical to the pre-1990 version of § 1342.⁶ Combining these two sources with the statutory text, the Attorney General articulated two

⁶ 31 U.S.C. § 1515 (recodified from § 665(e) at the time of the Civiletti opinion). Analyzing past administrative practice under this statute, Attorney General Civiletti found that:

Directors of the Bureau of the Budget and of the Office of Management and Budget have granted dozens of deficiency reapportionments under this subsection in the last 30 years, and have apparently imposed no test more stringent than the articulation of a reasonable relationship between the funded activity and the safety of human life or the protection of property. Activities for which deficiency apportionments have been granted on this basis include [FBI] criminal investigations, legal services rendered by the Department of Agriculture in connection with state meat inspection programs and enforcement of the Wholesome Meat Act of 1967, 21 U.S.C. §§ 601-695, the protection and management of commodity inventories by the Commodity Credit Corporation, and the investigation of aircraft accidents by the National Transportation Safety Board. These few illustrations demonstrate the common sense approach that has guided the interpretation of § 665(c). Most important, under § 665(e)(2), each apportionment or reapportionment indicating the need for a deficiency or supplemental appropriation has been reported contemporaneously to both Houses of Congress, and, in the face of these reports, Congress has not acted in any way to alter the relevant 1950 wording of § 665(e)(1)(B), which is, in this respect, identical to § 665(b).

rules for identifying functions for which government officers may enter into obligations to pay for personal services in excess of legal authority other than § 1342 itself:

First, there must be some reasonable and articulable connection between the function to be performed and the safety of human life or the protection of property. Second, there must be some reasonable likelihood that the safety of human life or the protection of property would be compromised, in some degree, by delay in the performance of the function in question.

While we continue to believe that the 1981 articulation is a fair reading of the Antideficiency Act even after the 1990 amendment, see Letter from Walter Dellinger to Robert G. Damus, October 19, 1993, we are aware of the possibility the second of these two rules might be read more expansively than was intended, and thus might be applied to functions that are not emergencies within the meaning of the statute. To forestall possible misinterpretations, the second criteria's use of the phrase "in some degree" should be replaced with the phrase, "in some significant degree."

The reasons for this change rest on our understanding of the function of the 1990 amendment, which comes from considering the content of the amendment, its structure and its sparse legislative history. That history consists of a solitary reference in the conference report to the Omnibus Budget Reconciliation Act of 1990, Pub. L. No. 101-508, 104 Stat. 1388:

The conference report also makes conforming changes to title 31 of the United States Code to make clear that . . . ongoing, regular operations of the Government cannot be sustained in the absence of appropriations, except in limited circumstances. These changes guard against what the conferees believe might be an overly broad interpretation of an opinion of the Attorney General issued on January 16, 1981, regarding the authority for the continuance of Government functions during the temporary lapse of appropriations, and affirm that the constitutional power of the purse resides with Congress.

H.R. Rep. No. 964, 101st Cong., 2d Sess. 1170 (1990). While hardly articulating the intended scope of the exception, the conference report does tend to support what would otherwise be the most natural reading of the amendment standing alone: because it is phrased as identifying the functions that should be excluded from the scope of the term "emergency," it seems intended to limit the coverage of that term, narrowing the circumstances that might otherwise be taken to constitute an emergency within the meaning of the statute.

Beyond this, however, we do not believe that the amendment adds any significant new substantive meaning to the pre-existing portion of § 1342, simply because the most prominent feature of the addition -- its emphasis on there being a threat that is imminent, or "ready to take place, near at hand," see Webster's Third New International Dictionary 1130 (1986) -- is an idea that is already present in the term "emergency" itself, which means "an unforeseen

combination of circumstances or the resulting state that calls for immediate action" to respond to the occurrence or situation. *Id.* at 741.⁷ The addition of the concept of "imminent" to the pre-existing concept of "emergency" is thus largely redundant. This redundancy does, however, serve to emphasize and reinforce the requirement that there be a threat to human life or property of such a nature that immediate action is a necessary response to the situation. The structure of the amendment offers further support for this approach. Congress did not alter the operative language of the statute; instead, Congress chose to enact an interpretive provision that simply prohibits overly expansive interpretations of the "emergency" exception.

Under the formulation of the 1981 Opinion, government functions satisfy § 1342 if, *inter alia*, the safety of human life or the protection of property would be "compromised, in some degree." It is conceivable that some would interpret this phrase to be satisfied even if the threat were *de minimis*, in the sense that the increased risk to life or property were insignificant, so long as it were possible to say that safety of life or protection of property bore a reasonable likelihood of being compromised at all. This would be too expansive an application of the emergency provision. The brief delay of routine maintenance on government vehicles ought not to constitute an "emergency," for example, and yet it is quite possible to conclude that the failure to maintain vehicles properly may "compromise, to some degree" the safety of the human life of the occupants or the protection of the vehicles, which are government property. We believe that the revised articulation clarifies that the emergency exception applies only to cases of threat to human life or property where the threat can be reasonably said to be near at hand and demanding of immediate response.

⁷ See also Random House Dictionary of the English Language Unabridged 636 (2d ed. 1987) ("emergency" means "a sudden, urgent, usually unexpected occurrence or occasion requiring immediate action"); Webster's II New Riverside University Dictionary 427 (1988) ("an unexpected, serious occurrence or situation urgently requiring prompt action").

Young, Deirdre R

From: Roth, Barry <barry.roth@sol.doi.gov>
Sent: Wednesday, October 09, 2013 8:22 AM
To: Sheaffer, C. B.
Subject: Fwd: Concessions summary on open roads

Barry N. Roth
Associate Solicitor
Division of Parks & Wildlife
202-208-4344
Fax: 202-208-3877
Barry.Roth@sol.doi.gov

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----- Forwarded message -----

From: **Fugate, Rena** <rena_fugate@nps.gov>
Date: Tue, Oct 8, 2013 at 4:25 PM
Subject: Concessions summary on open roads
To: Maureen Foster <maureen_foster@nps.gov>
Cc: Barry Roth <barry.roth@sol.doi.gov>, Lena McDowall <lena_mcdowall@nps.gov>, Laura Joss <Laura_Joss@nps.gov>, Colin Campbell <Colin_Campbell@nps.gov>, Mary Risser <mary_risser@nps.gov>

Hi;

This the information IMR is submitting as it relates to the issue related to concessions operations on through-roads in parks. Our concession chief talked to the parks to clarify those that may be impacted.

GRTE

Triangle X is a dude ranch that operates along the outside highway (Hwy 89) in the park. Hwy 89 is a state road that runs through the park. The ranch is allowed to accommodate guests involved in hunting outside the park with no overnight lodging. No other overnight lodging is allowed at the ranch.

Grand Teton Association (GTA) is operating one gift shop out of the airport which remains open. The airport operates within the park boundary and remains open and operating.

GLCA

Navajo Bridge Interpretive Center is open and the Natural History Association (NHA) is operating there because the building is operated by AZ Dept. of Transportation.

Main Visitor Center is on an open road Hwy 89, but it is in a BOR building, so it is closed. NHA is not operating there.

Cooperating Associations

Several associations are open and operating since they are outside of park facilities. Let me know if a list of those open would be useful.

Rena Fugate
ARD Business & Technology
NPS, Intermountain Region
Office: 303 969 2544
Cell: 720 560 2515
Fax: 303 969 2337

Young, Deirdre R

From: Roth, Barry <barry.roth@sol.doi.gov>
Sent: Thursday, October 03, 2013 6:40 PM
To: McDowall, Lena; Sheaffer, C. B.
Subject: Fwd: Claude Moore farm statement for WASO/DOI review, please
Attachments: 2013 10 3 NCR draft on Claude Moore.docx

(b) (5)

Barry N. Roth
Associate Solicitor
Division of Parks & Wildlife
202-208-4344
Fax: 202-208-3877
Barry.Roth@sol.doi.gov

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----- Forwarded message -----

From: Fondren, Kim <kim.fondren@sol.doi.gov>
Date: Thu, Oct 3, 2013 at 6:35 PM
Subject: Fwd: Claude Moore farm statement for WASO/DOI review, please
To: Barry Roth <Barry.Roth@sol.doi.gov>, Edward Boling <ted.boling@sol.doi.gov>

----- Forwarded message -----

From: Lisa Mendelson <lisa_mendelson-ielmini@nps.gov>
Date: Thu, Oct 3, 2013 at 6:17 PM
Subject: Fwd: Claude Moore farm statement for WASO/DOI review, please
To: Kim Fondren <kim.fondren@sol.doi.gov>

You should know that this statement is at WASO for DOI clearance. We are getting media requests.

Lisa Mendelson, AICP
National Park Service
Deputy Regional Director
202-297-1338 cell
202-619-7023 office

Begin forwarded message:

From: "Mummart, Jennifer" <jennifer_mummart@nps.gov>
Date: October 3, 2013, 5:38:45 PM EDT
To: Michael Litterst <mike_litterst@nps.gov>
Cc: Jon James <jon_james@nps.gov>, Lisa Mendelson <lisa_mendelson-ielmini@nps.gov>
Subject: Claude Moore farm statement for WASO/DOI review, please

Hi Mike,

Here is our proposed statement that covers the facts and responds to several assertions made by the friends group. Please let me know when we are ok to distribute (when asked).

Thank you,
Jennifer

Jennifer Mummart
Director of Communications
National Park Service - National Capital Region
(202) 619-7174
www.nps.gov

The National Park Service cares for special places saved by the American people so that all may experience our heritage.

EXPERIENCE YOUR AMERICA TM

--
Kimberly Fondren
Attorney-adviser
Division of Parks and Wildlife
Office of the Solicitor
Department of Interior
202-208-4338

National Park Service Statement on Claude Moore Colonial Farm

(b) (5)

Young, Deirdre R

From: Bruce Sheaffer <bruce_sheaffer@nps.gov>
Sent: Tuesday, October 01, 2013 8:19 PM
To: Neubacher, Patricia
Cc: Jon Jarvis; Lena McDowall; Margaret O'Dell; Scott Wanek; Craig Dalby; Frank Dean; Aaron Roth
Subject: Re: Cliff House

(b) (5)

Sent from my iPad

On Oct 1, 2013, at 7:23 PM, "Neubacher, Patricia" <patty_neubacher@nps.gov> wrote:

Dear Fellow travelers:

(b) (5)

Thanks for your help and advice.

--
Patty Neubacher
Deputy Regional Director
Pacific West Region
(415) 623-2105 work
(510) 604-9998 cell
--

Frank Dean
General Superintendent
Golden Gate
National Recreation Area
San Francisco, CA 94123
(415) 561-4720

--

Patty Neubacher
Deputy Regional Director
Pacific West Region
(415) 623-2105 work
(510) 604-9998 cell

--

Frank Dean
General Superintendent
Golden Gate
National Recreation Area
San Francisco, CA 94123
(415) 561-4720

--

Patty Neubacher
Deputy Regional Director
Pacific West Region
(415) 623-2105 work
(510) 604-9998 cell

<Cliff House open in event of Government Shutdown - Rationale.pdf>

Young, Deirdre R

From: Neubacher, Patricia <patty_neubacher@nps.gov>
Sent: Tuesday, October 01, 2013 7:24 PM
To: Jon Jarvis; Lena McDowall; Bruce Sheaffer; Margaret O'Dell
Cc: Scott Wanek; Craig Dalby; Frank Dean; Aaron Roth
Subject: Fwd: Cliff House
Attachments: Cliff House open in event of Government Shutdown - Rationale.pdf

Dear Fellow travelers:



(b) (5)
and advice.

Thanks for your help

--
Patty Neubacher
Deputy Regional Director
Pacific West Region
(415) 623-2105 work
(510) 604-9998 cell

--
Frank Dean
General Superintendent
Golden Gate
National Recreation Area
San Francisco, CA 94123
(415) 561-4720

--

Patty Neubacher
Deputy Regional Director
Pacific West Region
(415) 623-2105 work
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--

Frank Dean
General Superintendent
Golden Gate
National Recreation Area
San Francisco, CA 94123
(415) 561-4720

--

Patty Neubacher
Deputy Regional Director
Pacific West Region
(415) 623-2105 work
(510) 604-9998 cell

Why keep the Cliff House open in event of Government Shutdown?

(b) (5)

Cliff House with Louis Restaurant in the Background (building upper left)



Louis Restaurant with the Cliff House in the Background (building on lower left)



Young, Deirdre R

From: Roth, Barry <barry.roth@sol.doi.gov>
Sent: Tuesday, October 01, 2013 8:44 AM
To: Bruce Sheaffer
Cc: Jarvis, Jonathan; Eaton, Robert; Margaret O'Dell; Maureen Foster; Edward Keable; Myers, Randolph
Subject: Re: National written closure determination

(b) (5)

Barry N. Roth
Associate Solicitor
Division of Parks & Wildlife
202-208-4344
Fax: 202-208-3877
Barry.Roth@sol.doi.gov

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On Tue, Oct 1, 2013 at 8:37 AM, Bruce Sheaffer <bruce_sheaffer@nps.gov> wrote:
This is a policy and legal issue

Sent from my iPhone

On Oct 1, 2013, at 8:15 AM, "Jarvis, Jonathan" <jon_jarvis@nps.gov> wrote:

(b) (5)

On Tue, Oct 1, 2013 at 7:37 AM, Eaton, Robert <robert.eaton@sol.doi.gov> wrote:
Hi all,

I'm here and will begin to frame out a national written closure determination that satisfies 36 C.F.R. § 1.5(c). As soon as I have a decent first draft--hopefully before 10:00 a.m.--I'll send it to everyone on this email. Thanks.

Rob

Robert C. Eaton, Assistant Solicitor
Branch of National Parks
Division of Parks and Wildlife
Office of the Solicitor
U.S. Department of the Interior
MS 5312
1849 C Street, NW
Washington, DC 20240
Telephone: (202) 208-7957
Telefax: (202) 208-3877

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--

Jonathan B. Jarvis
Director, NPS

Amendment to National Park System Closure Determination and Notice

Pursuant to 36 C.F.R. § 1.5, effective at 12:01 a.m. on October 1, 2013, all units of the National Park System nationwide were closed to public visitation and use, subject to the conditions and exceptions described in the Director's October 1, 2013 Closure Determination and Notice (Closure Notice). That national closure was necessitated by a lapse in funds appropriated by the United States Congress for the operation of the National Park System. Under the provisions of the Antideficiency Act (Act), in the absence of an appropriation the National Park Service (NPS) is able to undertake only very limited activities, primarily related to emergencies. Given time constraints, NPS could not review each of the thousands of established contracts, permits and agreements prior to the lapse, and took the most prudent course of action to minimize the possibility of obligating funds in the absence of appropriations.

Consistent with its regulations and the terms of the applicable agreements, the Closure Notice suspended special use permits, concessions, commercial use authorizations and other partner agreements to ensure that a violation of the Act would not occur. The shutdown of the Government and the National Parks has created significant hardships for many persons and organizations, including the partner organizations which operate facilities under concession contracts and other agreements. Because a limited number of those partner organizations may be able to resume operation of such facilities within the scope of their existing written authorizations, at least in the short term, without requiring an obligation or expenditure of funds by NPS, the Closure Notice is hereby amended as follows:

14. The Director of the National Park Service will make a determination, on a case-by-case basis, whether a commercial, concession, and/or partnership facility may be re-opened during the government shutdown. The October 1 National Closure determination is not final agency action as to such partner organization until the Director has made a determination in accordance with the process and criteria described below:

- A. A written request for reconsideration must be submitted by the facility operator or its legal representative to Business_Services@nps.gov.
- B. The facility or area is accessible from private land or a road that is currently open. This may be a state or park through road that remains open to the public in accordance with the NPS Closure Notice, e.g. a "through road."
- C. The facility and/or area is self-contained and visitors do not require access to or the use of closed National Park lands or facilities
- D. Re-opening of the facility will not require NPS to obligate or expend any funds in violation of the Antideficiency Act.
- E. The operator of the facility confirms in writing that its existing agreement requires it to indemnify NPS and the United States for any liabilities that may be incurred as a result of its operations during the government shutdown.

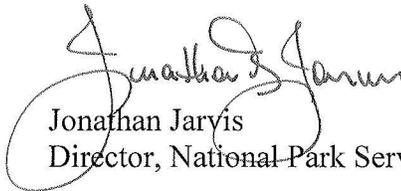
These decisions will be made solely by the Director, will not be delegated, and will constitute final agency actions.

Any decision by the Director to reopen such a facility during the shutdown is contingent on his finding that the facility could operate without NPS incurring any expenditure or obligation in violation of the Antideficiency Act during this shutdown period, currently

framed for this purpose from the present until October 30. In reviewing the request, the NPS may ask the requester to provide copies of relevant agreements and an explanation why in the opinion of the requester the reopening the facility would not cause NPS to be expending or obligating funds in violation of the Antideficiency Act.

If an individual facility, or various facilities on a cumulative basis, would likely cause such expenditures or obligations to be made, NPS would have to require partner organizations to again suspend operations. Therefore this interim policy is intended to be used sparingly and each decision will be made in consideration of its NPS-wide implications.

Notification: Notification of the decision to allow or deny a facility to re-open will be conveyed in writing (including by email), and documentation supporting each decision will be assembled for an administrative record. Specific provisions may be attached to each decision to re-open, but at a minimum, each operator must agree to inform the visitors using their facility that the National Park remains closed to public use with the exception of the immediate environs subject to the control of the partner under its existing agreement with NPS.


Jonathan Jarvis
Director, National Park Service

Date 10/11/2013

10/11/2013. 810am

Amendment to National Park System Closure Determination and Notice

Pursuant to 36 C.F.R. § 1.5, effective at 12:01 a.m. on October 1, 2013, all units of the National Park System nationwide were closed to public visitation and use, subject to the conditions and exceptions described in the Director's October 1, 2013 Closure Determination and Notice (Closure Notice). That national closure was necessitated by a lapse in funds appropriated by the United States Congress for the operation of the National Park System. (b) (5)

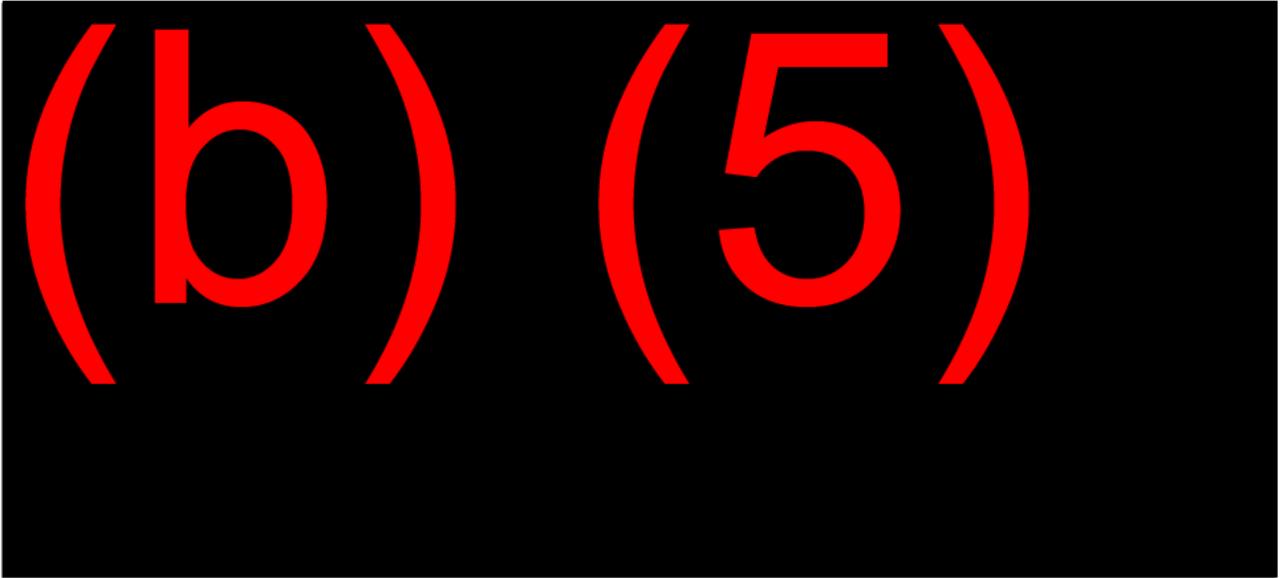
(b) (5)

Consistent with its regulations and the terms of the applicable agreements, the Closure Notice suspended special use permits, concessions, commercial use authorizations and other partner agreements to ensure that a violation of the Act would not occur. (b) (5)

(b) (5)

(b) (5) Because a limited number of those partner organizations may be able to resume operation of such facilities within the scope of their existing written authorizations, at least in the short term, without requiring an obligation or expenditure of funds by NPS in violation of the Antideficiency Act, the Closure Notice is hereby amended as follows:

(b) (5)



Notification: Notification of the decision to allow or deny a facility to re-open will be conveyed in writing (including by email), and documentation supporting each decision will be assembled for the administrative record. Specific provisions may be attached to each decision to re-open, but at a minimum, each operator must agree to inform the visitors using their facility that the National park remains closed to public use with the exception of the immediate environs subject to the control of the partner under its existing agreement with NPS. (b) (5)

(b) (5)

Jonathan Jarvis
Director, National Park Service

Date

Young, Deirdre R

From: Barry Roth <barry.roth@sol.doi.gov>
Sent: Thursday, October 10, 2013 6:57 PM
To: Peggy O'Dell
Subject: Fwd: For Jack and Ted
Attachments: Interim Policy with edits.draft 10.10BNR508PM.docx

Not cleared yet but I am doing my part

Barry N Roth
Associate Solicitor for Parks & Wildlife
202-208-4344

Sent from my iPhone

Begin forwarded message:

From: "Roth, Barry" <barry.roth@sol.doi.gov>
Date: October 10, 2013, 5:15:49 PM EDT
To: Kevin Haugrud <jack.haugrud@sol.doi.gov>, Edward Boling <ted.boling@sol.doi.gov>, Edward Keable <edward.keable@sol.doi.gov>, Mark Teskey <mark.teskey@sol.doi.gov>
Subject: For Jack and Ted

But you general lawyers are welcome to weigh in. Peggy and Jon are asking and Nicky Buffa (b) (5)

(b) (5)

(b) (5)

Barry N. Roth
Associate Solicitor
Division of Parks & Wildlife
202-208-4344
Fax: 202-208-3877
Barry.Roth@sol.doi.gov

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DRAFT: Confidential, Pre-decisional and Not for Release

10/10/2013. BNR 508PM

[NPS letterhead.]

Amendment to National Park System Closure Determination and Notice

Pursuant to 36 C.F.R. § 1.5, effective at 12:01 a.m. on October 1, 2013, all units of the National Park System nationwide were closed to public visitation and use, subject to the conditions and exceptions described in the Director's October 1, 2013 Closure Determination and Notice (Closure Notice). That national closure was necessitated by a lapse in funds appropriated by the United States Congress for the operation of the National Park System. (b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

DRAFT: Confidential, Pre-decisional and Not for Release

(b) (5)

Jonathan Jarvis
Director, National Park Service

Date

Young, Deirdre R

From: Margaret O'Dell <peggy_o'dell@nps.gov>
Sent: Wednesday, October 02, 2013 5:03 PM
To: Maureen Foster
Cc: lena_mcdowall@nps.gov
Subject: Re: Question from the Mayor

Looks pretty good to me.

Sent from my iPhone

On Oct 2, 2013, at 4:23 PM, Maureen Foster <maureen_foster@nps.gov> wrote:

Is this okay?

Maureen D. Foster
National Park Service
202.208.5970

Begin forwarded message:

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Date: October 2, 2013, 4:07:04 PM EDT
To: Laura Davis <Laura_Davis@ios.doi.gov>, Maureen Foster <maureen_foster@nps.gov>
Subject: FW: Question from the Mayor

FYI. Let me know if I got any of this wrong.

From: Nicole Buffa [mailto:nicole_buffa@ios.doi.gov]
Sent: Wednesday, October 02, 2013 4:03 PM
To: Suzanne.biemiller@phila.gov
Subject: Question from the Mayor

Hi there – The mayor and I spoke a little bit ago, and I wanted to give him a bit more on the shutdown. Please let me know if this helps.

The National Park Service depends on Congressional appropriations to stay open. As a result of the government shutdown, we were forced to close all 401 national parks and furlough more than 20,000 employees. Concession contracts require government oversight - pricing approvals, service evaluations, etc.—and this oversight is required by the concessions law. The staff who would normally provide this oversight are currently furloughed. And under the Antideficiency Act, these employees cannot work during the shutdown.

Please let me know if you have any other questions.

All my best,
Nikki

Here's more on the Antideficiency Act:

The Antideficiency Act prohibits federal employees from

- making or authorizing an expenditure from, or creating or authorizing an obligation under, any appropriation or fund in excess of the amount available in the appropriation or fund unless authorized by law. 31 U.S.C. § 1341(a)(1)(A).
- involving the government in any obligation to pay money before funds have been appropriated for that purpose, unless otherwise allowed by law. 31 U.S.C. § 1341(a)(1)(B).
- accepting voluntary services for the United States, or employing personal services not authorized by law, except in cases of emergency involving the safety of human life or the protection of property. 31 U.S.C. § 1342.
- making obligations or expenditures in excess of an apportionment or reapportionment, or in excess of the amount permitted by agency regulations. 31 U.S.C. § 1517(a).

Nikki Buffa
Deputy Chief of Staff
U.S. Department of the Interior
202-219-3861
nicole_buffa@ios.doi.gov

Young, Deirdre R

From: Maureen Foster <maureen_foster@nps.gov>
Sent: Wednesday, October 02, 2013 4:23 PM
To: lena_mcdowall@nps.gov; Peggy O'Dell
Subject: Fwd: Question from the Mayor

Is this okay?

Maureen D. Foster
National Park Service
202.208.5970

Begin forwarded message:

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Date: October 2, 2013, 4:07:04 PM EDT
To: Laura Davis <Laura_Davis@ios.doi.gov>, Maureen Foster <maureen_foster@nps.gov>
Subject: FW: Question from the Mayor

FYI. Let me know if I got any of this wrong.

From: Nicole Buffa [mailto:nicole_buffa@ios.doi.gov]
Sent: Wednesday, October 02, 2013 4:03 PM
To: Suzanne.biemiller@phila.gov
Subject: Question from the Mayor

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All my best,
Nikki

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- involving the government in any obligation to pay money before funds have been appropriated for that purpose, unless otherwise allowed by law. 31 U.S.C. § 1341(a)(1)(B).
- accepting voluntary services for the United States, or employing personal services not authorized by law, except in cases of emergency involving the safety of human life or the protection of property. 31 U.S.C. § 1342.
- making obligations or expenditures in excess of an apportionment or reappropriation, or in excess of the amount permitted by agency regulations. 31 U.S.C. § 1517(a).

Nikki Buffa
Deputy Chief of Staff
U.S. Department of the Interior
202-219-3861
nicole_buffa@ios.doi.gov

Young, Deirdre R

From: Maureen Foster <maureen_foster@nps.gov>
Sent: Wednesday, October 02, 2013 3:58 PM
To: Peggy O'Dell; Sue Waldron; Jon Jarvis
Subject: Fwd: Need background on why concessions have to close

Waiting to see if this works b

Maureen D. Foster
National Park Service
202.208.5970

Begin forwarded message:

From: "McDowall, Lena" <lena_mcdowall@nps.gov>
Date: October 2, 2013, 3:48:28 PM EDT
To: "Foster, Maureen" <maureen_foster@nps.gov>
Subject: Re: Need background on why concessions have to close

Will something like this work?



On Wed, Oct 2, 2013 at 3:24 PM, Foster, Maureen <maureen_foster@nps.gov> wrote:
I looked at the 2 pieces on InsideNPS but didn't see anything.

We need it ASAP for upstairs.

Maureen D. Foster
Chief of Staff
National Park Service
1849 C Street, NW, Room 3114
Washington, DC 20240
202.208.5970 (direct)
202.208.3818 (main)

EXPERIENCE YOUR AMERICA

The National Park Service cares for special places
saved by the American people,
so that all may experience our heritage.

--

Lena McDowall

Associate Director, Business Services

Ph: (202) 208-5651

Cell: (202) 641-1814

Email: Lena_McDowall@nps.gov

NATIONAL PARK SERVICE CONTINGENCY PLAN **Updated October 4, 2013**

As stated in its original authorizing legislation, the National Park Service mission is to “preserve unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations.”

Effective immediately upon a lapse in appropriations, the National Park Service will take all necessary steps to close and secure national park facilities and grounds in order to suspend all activities except for those that are essential to respond to emergencies involving the safety of human life or the protection of property. Day use visitors will be instructed to leave the park immediately as part of Phase 1 closures. Visitors utilizing overnight concession accommodations and campgrounds will be notified to make alternate arrangements and depart the park as part of Phase 2. Wherever possible, park roads will be closed and access will be denied. National and regional offices and support centers will be closed and secured, except where they are needed to support excepted personnel. These steps will be enacted as quickly as possible while still ensuring visitor and employee safety as well as the integrity of park resources.

The shutdown process will take place in two phases. Phase 1 includes all activities to notify the public of the closure, secure government records and property, and begin winding down operations to essential activities only. Phase 1 will take place over a half day. If no funding bill appears imminent, at noon EDT on day one of a shutdown, Phase 2 will be initiated by the Director and includes the complete shutdown of all concession facilities and commercial visitor services. Overnight visitors will be given two days to make alternate arrangements and depart the parks. At the end of Phase 2 operations are expected to be at the minimum levels defined below. The entire closure process – both phases – will be completed within four days.

Part 1: Designation of Essential and Continuing Programs/Activities

The Emergency Response Official designation on a Federal ID card is not necessarily a factor in determining excepted personnel. Rather, as defined by the Department of the Interior, essential activities and activities that will continue during a lapse in appropriations are:

- Providing for finance and contracting activities such as benefit payments and actions necessary to suspend or stop work on projects currently underway that require oversight or support from employees funded from lapsed appropriations. That is, contracting and finance personnel necessary to perform these duties should remain until the activities can be suspended.
- Direct management of projects obligated from funds that are not subject to lapse, such as multi-year appropriations from prior fiscal years. People not DIRECTLY involved in project management or necessary contracting actions and payments for these projects will not be considered excepted or continue to work.

- Protecting life and property, including:
 - Emergency medical care;
 - Law enforcement and disaster assistance;
 - Border and coastal protection and surveillance;
 - Protection of federal lands, buildings, waterways, equipment, and other property within the National Park System;
 - Activities essential to ensure continued public health and safety, including safe use of food and drugs and safe use of hazardous materials, drinking water, sewage treatment operation;
 - Activities that ensure production of power and maintenance of the power distribution system;
 - Activities necessary to maintain protection of research property;
 - Essential or time-sensitive support services for employees;
 - Uninterrupted command, control, and policy leadership;
 - Maintenance of IT systems critical to activities being carried out by excepted personnel (e.g., radio communication, e-mail, accounting systems, etc.);
 - Year-end financial management activities; and
 - Communication with employees and the public.

NOTE: Staffing will be held to the very minimum to perform essential functions. This will ordinarily be only law enforcement personnel, at a staffing level that allows for reactive emergency response commensurate with levels of park operations under the shutdown. However, in certain instances maintenance and IT personnel may be required for systems that normally require 24 hour monitoring or periodic maintenance, without which the system would shut down. Emergency responders, including Fire Management, EMS, and Law Enforcement personnel, not required for essential activities will be placed on furlough but may be called back to duty if an emergency situation arises.

Headquarters

In order to complete the required, essential activities defined above, the NPS Washington Support Office (NPS Headquarters) will retain key NPS leaders, as well as a bare minimum number of employees in policy coordination, communication, human resources, contracting, finance, and budget roles, including employees necessary to uphold our year-end financial management responsibilities. Employees required for centralized processing of payments for ongoing projects funded by multi-year appropriations will remain on duty at the minimum level necessary to avoid harm to life, health, and property. NPS leaders remaining on duty will include the Director, Deputy Director for Operations, and the Comptroller. Total excepted and continuing staff is estimated to be no more than 50 full-time employees.

Regional Offices

The National Park Service's seven regional offices play key roles in policy direction and coordination between the Washington office and individual national park sites. During the shutdown process, the regional leaders of law enforcement, administration, budget, contracting, public affairs, and concessions management will remain on duty to implement the closure

guidance. Once the shutdown is complete, each region will retain approximately three full-time staff members to conduct essential activities, disseminate information, both internally and externally, and ensure continued shutdown coordination and communication between Washington and the field.

National Park Sites

Due to the dramatic differences in operations, size, visitation, location, and infrastructure represented in national park sites, the number of employees required to carry out the essential activities defined above will vary greatly from site to site. As a rule, staffing will be held to the very minimum for the protection of life, property, and public health and safety. Only personnel absolutely required to support these activities will remain on duty. Wildland fire personnel required for active fires or for monitoring areas currently under a fire watch will remain on duty. All other personnel, including law enforcement, EMS, and Fire Management not deemed excepted will be furloughed, but will be subject to being called back in the case of an emergency. See below for employee counts by region. The personnel count for the National Capitol Region includes U.S. Park Police staff required for essential activities.

Other Offices

The NPS maintains two project management support centers for large-scale projects – one in Harper’s Ferry, WV and one in Denver, CO. Many of the projects managed through these centers are funded through multi-year appropriations. However, even if an employee’s salary is funded from carryover or a multi-year appropriation, they are not automatically excepted from a furlough. Only employees conducting essential activities as defined above will be deemed “excepted.” Employees funded from multi-year appropriations typically rely on facilities and support staff who are funded by expiring appropriations, and thus managers will designate exceptions and furloughs based solely on whether an employees’ activities are essential or not. Employees at these locations necessary for DIRECT project management of ongoing projects funded by multi-year appropriations will remain on duty.

Special Events

“Special Events” involving park service personnel either as participants or in crowd control must be cancelled. A special provision has been made for first amendment activities in the National Mall and Memorial Parks and areas administered by the NPS Liaison to the White House in Washington D.C., and Independence National Historic Park in Philadelphia, PA. Please refer to the NPS Closure Determination and Notice for the legal record of determination. As always, law enforcement action will be taken in cases where there is a violation of NPS regulations, including if it reasonably appears that the demonstration presents a clear and present danger to the public safety, good order, or health. This includes demonstrations that either qualify under the NPS small-group permit exception or demonstrations that have submitted an application, either before or after the shutdown that were not denied.

October 1, 2013

To: Directorate, HFC & DSC Managers
From: Director
Subject: Contingency Plan for Lapsed Appropriation
Attachments (2):

- Shutdown Instructions, Phases 1 & 2
- All Employee email sent from DOI on Monday, September 30, 2013

The government-wide shutdown due to the lapsing of appropriations is now upon us. The continuing resolution that provided FY13 funding for NPS expired at midnight, September 30, 2013, and no FY14 spending bill or continuing resolution has yet been adopted by Congress.

Employees scheduled to work today, October 1, should report to work at their normal time and will be given up to four hours to conduct shut down activities. Within the four hour timeframe, an employee should: complete their timesheet, work with their supervisor to secure property and files, receive a furlough letter and acknowledge receipt, and conduct other activities as directed. Supervisors may make other arrangements with employees in order to accomplish these shutdown activities through other means, such as teleworking. Employees should report to work unless they have received different direction from their supervisors. Some employees will be given additional time for shutdown activities that will extend beyond the 4 hours. Your supervisor will inform you if you are one of these individuals who is needed to help with these extended shutdown efforts. Those employees designated as excepted will remain on duty. You should have been alerted as to your anticipated status – excepted or furloughed – late last week.

Please refer to the all-employee memo sent out from DOI Assistant Secretary Rhea Suh on Monday, September 30th for guidance regarding individual scenarios, such as employees who are on scheduled leave or on travel status, and for specifics regarding payroll codes and processing. That memo is attached to this correspondence for your convenience. Further HR guidance has been distributed to your HR chiefs. A host of FAQs can also be found on the following Departmental website, which will remain live during the duration of a shutdown:
<http://www.doi.gov/shutdown>

Attached are procedures to execute an orderly shutdown of operations. The shutdown process will take place in two phases. Phase 1 includes all activities to identify excepted and non-excepted personnel, notify the public of the closure, and wind down operations to essential activities only. Phase 2 will be initiated by the Director. All events and programs must be canceled until appropriations are available.

Each region and program has designated a communications coordinator and has begun to develop a plan for distributing important information to parks and program offices. All questions and information for the duration of the shutdown should be channeled through the designated communication coordinator. In addition, employees should be encouraged to monitor media reports and the OPM website for information about the status of government operations.

Shutdown Instructions – Phases 1 and 2

Effective immediately (b) (5) the National Park Service will take all necessary steps to close and secure national park facilities and grounds. Day use visitors will be instructed to leave the park immediately. Visitors utilizing overnight concession accommodations and campgrounds will be notified to make alternate arrangements and depart the park as part of Phase 2. Wherever possible, park roads will be closed and access will be denied. National and regional offices and support centers will be closed and secured, except where they are needed to support excepted personnel. These steps will be enacted as quickly as possible while still ensuring visitor and employee safety as well as the integrity of park resources.

Phase 1 Shutdown Procedures:

(b) (5)

1. Confirm your previously identified personnel who are performing excepted activities. The Emergency Response Official designation on a Federal ID card is not necessarily a factor in determining excepted personnel. Rather, essential activities are defined as activities that are needed to:
 - a. Provide for actions necessary to suspend or stop work on projects currently underway, consistent with instructions i-iii below. That is, contracting and finance personnel necessary to perform these duties should remain until the activities can be suspended.

(b) (5)

- b. Conduct essential activities to the extent that they protect life and property, including:
 - i. Emergency medical care;
 - ii. Activities essential to ensure continued public health and safety, including safe use of food and drugs and safe use of hazardous materials, garbage collection, drinking water, sewage treatment operation;
 - iii. Direct management of projects obligated from funds that are not subject to lapse, such as multi-year appropriations from prior fiscal years. People not DIRECTLY involved in project management or necessary contracting

actions and payments for these projects will not be considered excepted or continue to work.

- iv. Border and coastal protection and surveillance;
- v. Protection of federal lands, buildings, waterways, equipment, and other property owned within the National Park System;
- vi. Law enforcement and disaster assistance;
- vii. Activities that ensure production of power and maintenance of the power distribution system;
- viii. Activities necessary to maintain protection of research property;
- ix. Essential or time-sensitive support services for employees;
- x. Uninterrupted command, control, and policy leadership;
- xi. Maintenance of IT systems (including contracted support) critical to activities being carried out by excepted personnel (e.g., radio communication, e-mail, accounting systems, etc.);
- xii. FY 13 year-end financial management activities; and
- xiii. Communication with employees and the public.

NOTE: Staffing will be held to the very minimum for the performance of essential functions. This will ordinarily be only law enforcement personnel, at a staffing level that allows for reactive emergency response commensurate with levels of park operations under the shutdown. Wildland fire personnel required for active fires or for monitoring areas currently under a fire watch will remain on duty. However, in certain instances maintenance and IT personnel may be required for systems that normally require 24 hour monitoring or periodic maintenance, without which the system would shut down. Emergency responders, including Fire Management, EMS, and Law Enforcement personnel, not required for essential activities will be placed on furlough but may be called back to duty if an emergency situation arises.

2. Prepare and issue personnel furlough papers for an indefinite period for all non-excepted employees not needed for closedown operations. Non-permanent employees are to be placed in non-pay status for an indefinite period. Take all necessary actions to assure that employees are accorded all due personnel rights. Consult Human Resources and labor relations contacts for appropriate steps.
3. Process payroll for abbreviated pay period.
4. Through appropriate media, notify public of closing of all national parks.
5. All U.S. Government property and facilities that can be locked or secured must be, including parking lots, comfort stations, tour roads, visitor contact facilities, fee collection facilities. Any one visiting must be directed to leave the park.

(b) (5)

(b) (5)

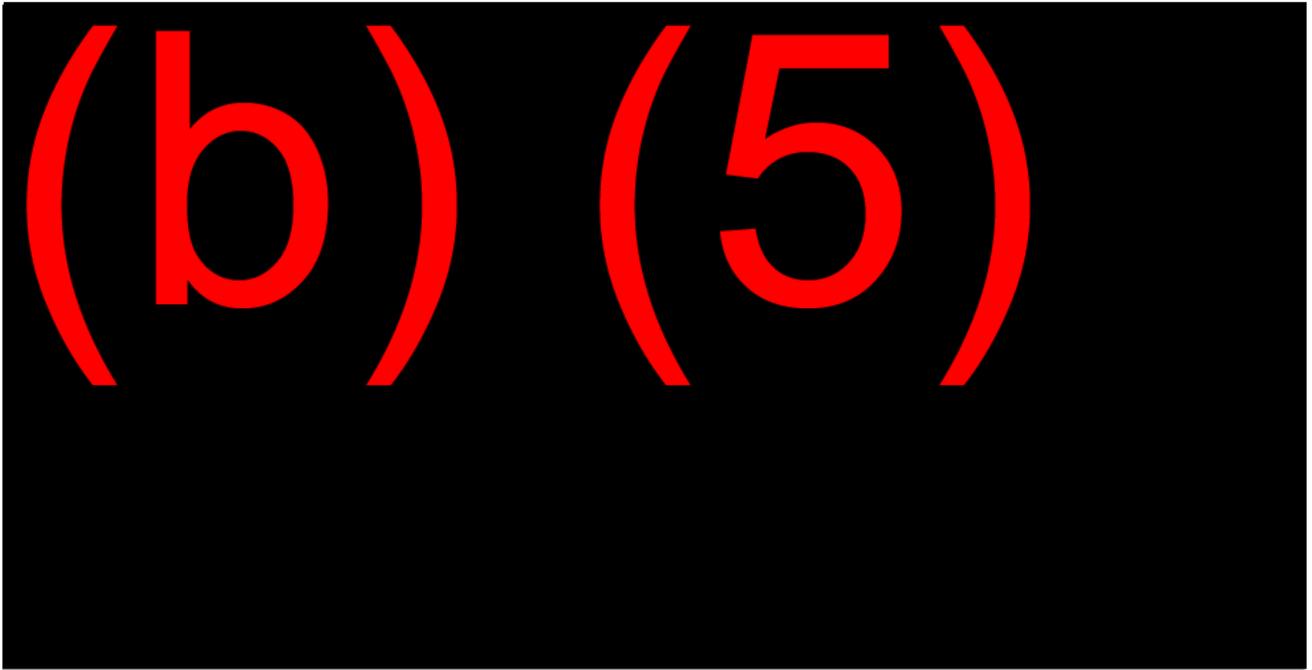
Phase 2 Shutdown Procedures:

(b) (5)

All parks should be in the mode of conducting no mission-related work, performing only the excepted activities listed above. Use caution and good judgment in taking any of the above listed actions.

Concession and Campsite Closedown Procedures (Phase 2):

All parks should take the following steps to secure park facilities and shut down concession and campsite operations while ensuring the safety of park visitors:



Park superintendents should notify concessioners of these procedures and the potential implementation timeline immediately.

What is a concession?

(b) (5)

Why do concessioners have to close during the government shutdown?

(b) (5)

(b) (5)



Office of the Director

United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.

Washington, D.C. 20240

OCT 1 2013

To: Directorate; Center Managers; Chief, U.S. Park Police

From: Director *Jonathan S. Jarvis*

Subject: Contingency Plan for Lapsed Appropriation

Attachments (4):

- Shutdown Instructions, Phases 1 & 2 (in memo)
- All Employee email sent from DOI on Monday, September 30, 2013 (in memo)
- NPS Closure Determination and Notice (attached separately)
- Template and Guidance for park closure signs (attached separately)

The government-wide shutdown due to the lapsing of appropriations is now upon us and we are proceeding with both Phase 1 and Phase 2 as of noon today. The continuing resolution that provided FY13 funding for NPS expired at midnight, September 30, 2013, and no FY14 spending bill or continuing resolution has yet been adopted by Congress.

Please refer to the all-employee memo sent out from DOI Assistant Secretary Rhea Suh on Monday, September 30th for guidance regarding individual scenarios, such as employees who are on scheduled leave or on travel status, and for specifics regarding payroll codes and processing. That memo is attached to this correspondence for your convenience. Further HR guidance has been distributed to your HR chiefs. A host of FAQs can also be found on the following Departmental website, which will remain live during the duration of a shutdown:
<http://www.doi.gov/shutdown>

Attached are procedures to execute an orderly shutdown of operations. The shutdown process will take place in two phases. Phase 1 includes all activities to identify excepted and non-excepted personnel, notify the public of the closure, and wind down operations to essential activities only. I am initiating Phase 2 at noon EDT today, October 1. All events and programs must be canceled until appropriations are available.

Each region and program has designated a communications coordinator and has begun to develop a plan for distributing important information to parks and program offices. All questions and information for the duration of the shutdown should be channeled through the designated communication coordinator. We will send a contact list shortly. In addition, employees should be encouraged to monitor media reports and the OPM website for information about the status of government operations.

Shutdown Instructions – Phases 1 and 2

Effective immediately, the National Park Service will take all necessary steps to close and secure national park facilities and grounds. Day use visitors will be instructed to leave the park immediately. Visitors utilizing overnight concession accommodations and campgrounds will be notified to make alternate arrangements and depart the park as part of Phase 2. Wherever possible, park roads will be closed and access will be denied. National and regional offices and support centers will be closed and secured, except where they are needed to support excepted personnel. These steps will be enacted as quickly as possible while still ensuring visitor and employee safety as well as the integrity of park resources.

Please reference the NPS Closure Determination and Notice document, attached to this memo, as needed for compliance with regulations.

Phase 1 Shutdown Procedures:

Immediately take the following steps to shut down all activities not deemed essential that are funded by lapsing appropriation:

1. Confirm your previously identified personnel who are performing excepted activities. The Emergency Response Official designation on a Federal ID card is not necessarily a factor in determining excepted personnel. Rather, essential activities are defined as activities that are needed to:
 - a. Provide for actions necessary to suspend or stop work on projects currently underway, consistent with instructions i-iii below. That is, contracting and finance personnel necessary to perform these duties should remain until the activities can be suspended.
 - i. Contracting activity shutdown personnel must issue (in accordance with FAR procedures) Stop Work or Suspension of Work orders on, or Terminate for the Convenience of the Government, for contracts for goods or services that require oversight or support by personnel funded from lapsed appropriations and are not required to address emergencies involving human life, safety or protection of property. Cooperative agreements should also be suspended.
 - ii. Work on contracts that are not funded by a lapsing appropriation (such as the fiscal year 2014 continuing resolution), such as projects that are fully funded, may continue, provided government oversight and access to closed facilities is not necessary to facilitate performance during the shutdown. If government oversight is required and an excepted individual is available to provide that oversight the contract may continue during a shutdown provided the shutdown is relatively brief. Your contracting officers have received guidance on determining which contracts may continue. That guidance can be found on <http://www.doi.gov/shutdown>

- iii. New contracts should not be initiated during a lapse period unless they are required to address emergencies involving human life, safety, or protection of property.
- b. Conduct essential activities to the extent that they protect life and property, including:
- i. Emergency medical care;
 - ii. Activities essential to ensure continued public health and safety, including safe use of food and drugs and safe use of hazardous materials, garbage collection, drinking water, sewage treatment operation;
 - iii. Direct management of projects obligated from funds that are not subject to lapse, such as multi-year appropriations from prior fiscal years. People not DIRECTLY involved in project management or necessary contracting actions and payments for these projects will not be considered excepted or continue to work.
 - iv. Border and coastal protection and surveillance;
 - v. Protection of federal lands, buildings, waterways, equipment, and other property owned within the National Park System;
 - vi. Law enforcement and disaster assistance;
 - vii. Activities that ensure production of power and maintenance of the power distribution system;
 - viii. Activities necessary to maintain protection of research property;
 - ix. Essential or time-sensitive support services for employees;
 - x. Uninterrupted command, control, and policy leadership;
 - xi. Maintenance of IT systems (including contracted support) critical to activities being carried out by excepted personnel (e.g., radio communication, e-mail, accounting systems, etc.);
 - xii. FY 13 year-end financial management activities; and
 - xiii. Communication with employees and the public.

NOTE: Staffing will be held to the very minimum for the performance of essential functions. This will ordinarily be only law enforcement personnel, at a staffing level that allows for reactive emergency response commensurate with levels of park operations under the shutdown. Wildland fire personnel required for active fires or for monitoring areas currently under a fire watch will remain on duty. However, in certain instances maintenance and IT personnel may be required for systems that normally require 24 hour monitoring or periodic maintenance, without which the system would shut down. Emergency responders, including Fire Management, EMS, and Law Enforcement personnel, not required for essential activities will be placed on furlough but may be called back to duty if an emergency situation arises.

2. Prepare and issue personnel furlough papers for an indefinite period for all non-excepted employees not needed for closedown operations. Non-permanent employees are to be placed in non-pay status for an indefinite period. Take all necessary actions to assure that employees are accorded all due personnel rights. Consult Human Resources and labor relations contacts for appropriate steps.

3. Process payroll for abbreviated pay period.
4. Through appropriate media, notify public of closing of all national parks. Press release templates are being distributed to the parks and program offices.
5. All U.S. Government property and facilities that can be locked or secured must be, including parking lots, comfort stations, tour roads, visitor contact facilities, fee collection facilities. Any one visiting must be directed to leave the park.
6. All day-use, concession-operated visitor services and facilities are to be closed immediately; Concession operations with overnight accommodations will be allowed to remain open until notified under phase 2, below. Exceptions may be granted by park superintendents, but only if a facility is deemed essential for health or safety purposes or is needed to support ongoing, essential park operations.
7. Services offered via commercial use authorizations, whether originating within or outside of park boundaries, are also to cease operations within the park.
8. Outfitter and guide concessioner and CUAs should not commence new trips after a shutdown has been initiated.
9. Access to leased facilities is permitted. However, no recreational uses outside of the inholding/leased facility on park lands are to be permitted.
10. Parks having "thru" road systems should not attempt to close these roadways. Signs should be posted that no visitor services will be available in the park.
11. "Special Events" involving park service personnel either as participants or in crowd control must be cancelled. A special provision has been made for first amendment activities in the National Mall and Memorial Parks and areas administered by the NPS Liaison to the White House in Washington D.C., and Independence National Historic Park in Philadelphia, PA. Please refer to the NPS Closure Determination and Notice, attached to this memo transmission, for the legal record of determination. As always, law enforcement action will be taken in cases where there is a violation of NPS regulations, including if it reasonably appears that the demonstration presents a clear and present danger to the public safety, good order, or health. This includes demonstrations that either qualify under the NPS small-group permit exception or demonstrations that have submitted an application, either before or after the shutdown that were not denied.
12. Only staff involved in excepted or phasedown activities may be on duty. Other employees may not volunteer their time. This rule applies regardless of the type of appointment or funding source of the employee. Cease all volunteer programs and release all volunteers from their duties.
13. Every organization should maintain a list of excepted employees, along with justification for each employee's designation as excepted. Each organization should also keep

meticulous records regarding time employees spend on shutdown activities during the first few days, so that the time can be logged at a later date. Further, if the shutdown continues, the list of employees in furlough status may change. Excepted employees may transition to furlough status, and employees on furlough may be called back as the need arises. You do not need to continuously apprise WASO of each change in status. Rather, please keep careful records so that we can respond to OMB and DOI after the shutdown ends.

14. Cancel all travel and scheduled meetings.

Phase 2 Shutdown Procedures:

I am initiating Phase 2 activities to begin today, October 1, at 12pm EDT. It will be necessary to take the following additional steps.

1. Begin securing files and documents for transfer to Federal Records Center.
2. Specific instructions will be issued for establishing accounts for capturing costs during this period. For now, charge to your normal accounts.
3. Place signs in park areas to advise visitors about park closing and hazards of the area. Place barriers to prevent visitors from entering park. A template for the appropriate wording of the signs is attached to this memo transmission.

All parks should be in the mode of conducting no mission-related work, performing only the excepted activities listed above. Use caution and good judgment in taking any of the above listed actions.

Concession and Campsite Closedown Procedures (Phase 2):

All parks should take the following steps to secure park facilities and shut down concession and campsite operations while ensuring the safety of park visitors:

1. Visitors in all overnight accommodations and campgrounds are to be given 48 hours, starting from 6pm EDT today, October 1, to make other arrangements and leave the park. This applies to visitors in both NPS and concession-operated facilities. Concessioners may begin notifying visitors at noon, but the 48 hour clock begins at 6pm. All overnight visitors must leave the park no later than 6pm EDT Thursday, October 3.
2. Visitors on outfitter or guided trips in the back country or on a secluded river that have already departed at the start of the shutdown will be allowed to complete their trip unless there is a practical and safe way to end the excursion and leave the park.
3. Concession employees who normally live in the park may remain in the park. Concessioners may continue to provide meals and accommodations for those employees.

However, no recreational uses outside of the assigned area on park lands are to be permitted.

4. Access to privately owned boats is permitted, but use for recreational purposes within the park boundary is not allowed.
5. Access to leased facilities is permitted. However, no recreational uses outside of the inholding/leased facility on park lands are allowed.

Park superintendents should notify concessioners of these procedures and the potential implementation timeline immediately.

Deputy Director O'Dell, Comptroller Bruce Sheaffer and a few other excepted NPS officials will remain in Headquarters during this closure and are available for specific questions. I anticipate we will receive many questions and a variety of offers from other agencies and organizations to cover our costs and re-open parks, memorials, trails, roads, or other facilities. Such overtures are to be respectfully rejected. In accordance with Title 16 of the US Code, the National Park System is to be managed for the common benefit of all the people of the United States, and is funded primarily by federal appropriations to achieve this responsibility. Beyond the legal issues involved, it will not be appropriate to open some parks or some parts of parks with non-appropriated or non-federal funding while other parts of the National Park System remain closed.

I know this creates a great deal of frustration and challenges to our employees, mission, partners and visitors. We will get through this.



Office of the Director

United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.

Washington, D.C. 20240

National Park System Closure Determination and Notice

Pursuant to 36 C.F.R. § 1.5, effective at 12:01 a.m. on October 1, 2013, all units of the National Park System nationwide are closed to public visitation and use, subject to the conditions and exceptions described below. This national closure determination and notice is necessitated by a lapse in funds appropriated by the United States Congress for the operation of the National Park System and will remain in effect until funding is restored. The period of time during which appropriated funds are not available may be referred to in this determination and notice as the “shutdown period.”

Under 36 C.F.R. § 1.5(a) this national closure determination and notice is necessary to maintain public health and safety in units of the National Park System and to protect park resources and values during the shutdown period. Consistent with the Department of the Interior Contingency Plan, available at www.doi.gov/shutdown, only a relatively small number of “excepted personnel” will be on duty during the shutdown period. Those personnel are not sufficient to provide a full range of visitor services. Therefore, in light of the shutdown and Contingency Plan, measures less restrictive than a national closure will not suffice to maintain public health and safety and to protect park resources and values. The lapse in appropriated funds qualifies as an “emergency” under 36 C.F.R. § 1.5(b); therefore, this determination and notice does not require special rulemaking.

Condition and Exceptions:

1. National Park Service personnel who have been identified as excepted will continue to report for duty in accordance with the National Park Service Contingency Plan and as directed by their supervisors.
2. Members of the public who are currently visiting a unit of the National Park System and not staying overnight in the park must vacate the park immediately. All day-use concession-operated visitor services and facilities are to be closed immediately. Exceptions may be granted by superintendents only if a facility is deemed essential for health or safety purposes.
3. Subject to paragraph 6 below, members of the public who are currently visiting a unit of the national park system and staying overnight either in a National Park Service-operated campground or a concessioner-operated facility in the park must vacate the park by 6:00 p.m. EDT on October 3, 2013.
4. Subject to paragraph 6 below, National Park Service concessioners must suspend their operations in overnight accommodations by 6:00 p.m. EDT on October 3, 2013.
5. Subject to paragraph 6 below, holders of National Park Service commercial use authorizations must immediately cease their in-park operations.

6. The deadlines announced above do not apply to members of the public, concessioners, and holders of commercial use authorizations who are on multi-day backcountry trips that cannot be safely terminated before the end of the trip. Those individuals may continue and complete their multi-day backcountry trips in accordance with their approved permit or plan. Those individuals then must vacate the park within 12 hours after the completion of their trip.

7. This closure determination and notice does not apply to private owners of interests in real property located within the exterior boundaries of units of the National Park System. Park superintendents will continue to allow such owners reasonable access to their private property.

8. This closure determination and notice does not apply to roads that pass through units of the National Park System and provide primary access between points located outside of the parks. Members of the public may continue to use those roads during the shutdown period. However, superintendents may not expend any appropriated funds to maintain or repair those roads. Moreover, superintendents may close those roads, or portions of those roads, in accordance with 36 C.F.R. § 1.5, if such closure is warranted by weather, poor road conditions, or other circumstances.

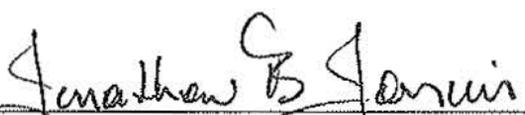
9. All previously issued permits for special events scheduled to occur in units of the National Park System during the shutdown period are hereby cancelled. At the end of the shutdown period holders of cancelled permits may apply for a new permit. Except as provided in paragraph 10 below, all closed areas of the National Park System are also closed to First Amendment activities during the shutdown period, and any previously issued permits for First Amendment activities are hereby cancelled.

10. This closure determination and notice does not apply to First Amendment activities in the National Mall and Memorial Parks and areas administered by the NPS Liaison to the White House in Washington, D.C., and Independence National Historical Park in Philadelphia, Pennsylvania. Persons may continue to conduct First Amendment activities in these units in accordance with existing regulations.

11. Each park superintendent must take reasonable measures to comply with 36 C.F.R. § 1.7 and to provide adequate public notice of this national closure determination and notice.

12. This national closure determination and notice will expire automatically at the end of the shutdown period.

13. Violation of this national closure determination and notice is prohibited.



Jonathan B. Jarvis
Director

October 1, 2013

Date

Young, Deirdre R

From: Gordon Wissinger <gordon_wissinger@nps.gov>
Sent: Tuesday, October 15, 2013 1:31 AM
To: Shawn Bengé
Subject: Fwd: Continued Operation of LeConte Lodge

Gordon Wissinger
Deputy Regional Director/Chief of Staff
Southeast Region
National Park Service
404-507-5611

Shawn
This is the email I sent to them on Sat morning

Begin forwarded message:

From: "Wissinger, Gordon" <gordon_wissinger@nps.gov>
Date: October 12, 2013, 9:54:39 AM EDT
To: WStokely@stokelyhospitality.com
Cc: Clayton Jordan <clayton_jordan@nps.gov>, Lena McDowall <lena_mcdowall@nps.gov>, Dale Ditmanson <dale_ditmanson@nps.gov>, Patty Wissinger <Patty_Wissinger@nps.gov>
Subject: Continued Operation of LeConte Lodge

Mr. Stokely:

We are in receipt of your letter dated October 11, 2013 to Director Jarvis. I have been asked by the Director to respond to your inquiry.

On October 1, 2013 Director Jarvis issued a closure notice pursuant to 36 CFR section 1.5 closing all units of the National Park System to public visitation and use subject to very limited conditions and exceptions. As you are likely aware one of those exceptions are roads that pass through units of the National Park System and provide primary access between points located outside of parks. This is why the Newfound Gap road and the Gatlinburg bypass have remained open. There is no exception in the closure order that would apply to the operation or use of Leconte lodge.

Therefore use or operation of Leconte lodge would be a violation of the closure order by your staff and the public. Additionally if you were to open Leconte lodge you will be in default under the terms of your concession contract and subject to penalties associated with default.

We understand the impact the shutdown has caused for visitors and the many businesses that provide service to visitors of Great Smoky Mountains National Park and are hopeful it will end soon and businesses such as your can resume operations.

Gordon Wissinger
Deputy Regional Director/Chief of Staff
Southeast Region
National Park Service
(404) 507-5611/5603 - office
(404) 562-3216 - fax

CONFIDENTIALITY NOTICE:

This message (including any attachments) is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of this message.

Young, Deirdre R

From: Benge, Shawn <shawn_benge@nps.gov>
Sent: Tuesday, October 08, 2013 11:01 AM
To: Michael Caldwell
Subject: Fwd: Response to your letter concerning Pisgah Inn
Attachments: Natl Park System Closure Determination and Notice 2013-10-01.pdf

----- Forwarded message -----

From: McDowall, Lena <lena_mcdowall@nps.gov>
Date: Fri, Oct 4, 2013 at 5:54 PM
Subject: Response to your letter concerning Pisgah Inn
To: kevin@gardenlawfirm.com
Cc: (b) (6), Shawn Benge <shawn_benge@nps.gov>, Mark Woods <mark_woods@nps.gov>, Steve Stinnett <steve_stinnett@nps.gov>

VIA ELECTRONIC MAIL: NO HARD COPY TO FOLLOW

United States Department of the Interior
National Park Service
1849 C St NW
Washington, DC 20240

Mr. Kevin R. Garden
The Garden Law Firm, P.C.
901 N. Pitt Street, Suite 905
Alexandria, VA 22314

Re: Concession Contract BLRI003-04

Dear Mr. Garden

We are writing in response to your email of October 4, 2013 to Steve Stinnett, Chief Ranger of Blue Ridge Parkway, concerning the adequacy of notice to your client, Parkway Inn, Inc., d/b/a Pisgah Inn, to cease doing business in connection with the government shutdown.

Pursuant to 36 CFR 1.5, all units of the National Park System nationwide were closed to public visitation and use on October 1, 2013. This closure was necessitated by a lapse in funds appropriated by the United States Congress for the operation of the National Park System and will remain in effect until funding is restored. I am advised that your client was notified of the closure determination on October 1, 2013 via email by Kathy Tustanowski, Chief of the Division of Business Administration for Blue Ridge Parkway, and subsequently another email notice was sent to Bruce O'Connell by Ms. Tustanowski regarding Phase 2 of the shutdown applicable to lodging services. The National Park Service is of the view that the email notices constituted sufficient notice to your client and it should cease operations immediately, if it has not already done so. The language of 36 C.F.R. 1.5 does not require that your client also receive a copy of the closure determination decision itself for the notice to be effective. Nevertheless, I enclose a copy of the Director's determination for your client's reference.

In any case, as the October 1 notice articulates, a national closure was necessary to maintain public health and safety in units of the National Park System and to protect park resources and values during the shutdown period. In the normal course of operations, park activities necessarily require the support of numerous National Park Service functions: park operations do not function independently of contracting support; visitor protection cannot exist without the support of payroll personnel; concessioners and volunteers cannot conduct activities without management oversight. With parks closed to the public and its inability to provide necessary oversight, consistent with the provisions of its concessions contracts, the NPS has had to close all concession facilities in the National Park System.

Sincerely,

/s/ Lena McDowall

SIGNED ORIGINAL ON FILE

Lena McDowall
Associate Director, Business Services

cc: Mr. Bruce O'Connell
Mr. Shawn Bengé
Mr. Mark Woods
Mr. Steve Stinnett

--

Shawn Bengé

Deputy Regional Director
Southeast Region
National Park Service
Office: 404 507 5605
Cell: 404 272 7253



Office of the Director

United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240

National Park System Closure Determination and Notice

Pursuant to 36 C.F.R. § 1.5, effective at 12:01 a.m. on October 1, 2013, all units of the National Park System nationwide are closed to public visitation and use, subject to the conditions and exceptions described below. This national closure determination and notice is necessitated by a lapse in funds appropriated by the United States Congress for the operation of the National Park System and will remain in effect until funding is restored. The period of time during which appropriated funds are not available may be referred to in this determination and notice as the “shutdown period.”

Under 36 C.F.R. § 1.5(a) this national closure determination and notice is necessary to maintain public health and safety in units of the National Park System and to protect park resources and values during the shutdown period. Consistent with the Department of the Interior Contingency Plan, available at www.doi.gov/shutdown, only a relatively small number of “excepted personnel” will be on duty during the shutdown period. Those personnel are not sufficient to provide a full range of visitor services. Therefore, in light of the shutdown and Contingency Plan, measures less restrictive than a national closure will not suffice to maintain public health and safety and to protect park resources and values. The lapse in appropriated funds qualifies as an “emergency” under 36 C.F.R. § 1.5(b); therefore, this determination and notice does not require special rulemaking.

Condition and Exceptions:

1. National Park Service personnel who have been identified as excepted will continue to report for duty in accordance with the National Park Service Contingency Plan and as directed by their supervisors.
2. Members of the public who are currently visiting a unit of the National Park System and not staying overnight in the park must vacate the park immediately. All day-use concession-operated visitor services and facilities are to be closed immediately. Exceptions may be granted by superintendents only if a facility is deemed essential for health or safety purposes.
3. Subject to paragraph 6 below, members of the public who are currently visiting a unit of the national park system and staying overnight either in a National Park Service-operated campground or a concessioner-operated facility in the park must vacate the park by 6:00 p.m. EDT on October 3, 2013.
4. Subject to paragraph 6 below, National Park Service concessioners must suspend their operations in overnight accommodations by 6:00 p.m. EDT on October 3, 2013.
5. Subject to paragraph 6 below, holders of National Park Service commercial use authorizations must immediately cease their in-park operations.

6. The deadlines announced above do not apply to members of the public, concessioners, and holders of commercial use authorizations who are on multi-day backcountry trips that cannot be safely terminated before the end of the trip. Those individuals may continue and complete their multi-day backcountry trips in accordance with their approved permit or plan. Those individuals then must vacate the park within 12 hours after the completion of their trip.

7. This closure determination and notice does not apply to private owners of interests in real property located within the exterior boundaries of units of the National Park System. Park superintendents will continue to allow such owners reasonable access to their private property.

8. This closure determination and notice does not apply to roads that pass through units of the National Park System and provide primary access between points located outside of the parks. Members of the public may continue to use those roads during the shutdown period. However, superintendents may not expend any appropriated funds to maintain or repair those roads. Moreover, superintendents may close those roads, or portions of those roads, in accordance with 36 C.F.R. § 1.5, if such closure is warranted by weather, poor road conditions, or other circumstances.

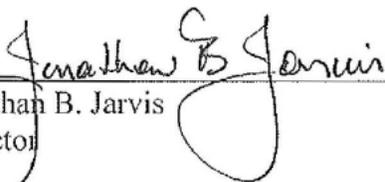
9. All previously issued permits for special events scheduled to occur in units of the National Park System during the shutdown period are hereby cancelled. At the end of the shutdown period holders of cancelled permits may apply for a new permit. Except as provided in paragraph 10 below, all closed areas of the National Park System are also closed to First Amendment activities during the shutdown period, and any previously issued permits for First Amendment activities are hereby cancelled.

10. This closure determination and notice does not apply to First Amendment activities in the National Mall and Memorial Parks and areas administered by the NPS Liaison to the White House in Washington, D.C., and Independence National Historical Park in Philadelphia, Pennsylvania. Persons may continue to conduct First Amendment activities in these units in accordance with existing regulations.

11. Each park superintendent must take reasonable measures to comply with 36 C.F.R. § 1.7 and to provide adequate public notice of this national closure determination and notice.

12. This national closure determination and notice will expire automatically at the end of the shutdown period.

13. Violation of this national closure determination and notice is prohibited.


Jonathan B. Jarvis
Director

October 1, 2013
Date

Young, Deirdre R

From: Benge, Shawn <shawn_benge@nps.gov>
Sent: Thursday, October 03, 2013 1:52 PM
To: Stinnett, Steve
Cc: Mark Woods; David Horne
Subject: Re: Pisgah Inn

Mark,

I'm assuming the Park has access to the contract?

Also, I will forward to you under a separate email, the closure directive sent to all parks by the Director. That might also be valuable to provide to the congressman.

On Thu, Oct 3, 2013 at 1:45 PM, Stinnett, Steve <steve_stinnett@nps.gov> wrote:

I just had a message from Phillip Newman, Congressman Meadows Office in DC. He wants a copy of the concession contract for the Pisgah Inn in order to see why they have to actually close since the road is still open. I am not able to get that information and I am leaving the office to head to the Pisgah Inn.

His contact information is: 202-225-6401

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
199 Hemphill Knob Rd
Asheville, NC 28803
828/348-3426 (O)
828/271-4118 (F)
828/273-6215 (C)

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--

Shawn Benge

Deputy Regional Director
Southeast Region
National Park Service
Office: 404 507 5605
Cell: 404 272 7253

Young, Deirdre R

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Sent: Thursday, October 03, 2013 1:45 PM
To: Mark Woods; Shawn Benge; David Horne
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Young, Deirdre R

From: Horne, David <david_horne@nps.gov>
Sent: Thursday, October 03, 2013 11:53 AM
To: Stinnett, Steve
Cc: Mark Woods; Shawn Bengel; William Reynolds
Subject: Re: Letter to concession operator

We're on for 1215.

David Horne
Chief Ranger (acting)
Southeast Region
National Park Service

Office: 404-507-5622
Mobile: 303-726-5841

On Thu, Oct 3, 2013 at 11:52 AM, Stinnett, Steve <steve_stinnett@nps.gov> wrote:
I am ready for the call now.

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On Thu, Oct 3, 2013 at 11:49 AM, Mark Woods <mark_woods@nps.gov> wrote:
Steve. 12:15 is good for everyone for the call.

Mark H. Woods
Superintendent
Blue Ridge Parkway

Sent from my iPad

On Oct 3, 2013, at 11:47 AM, "Stinnett, Steve" <steve_stinnett@nps.gov> wrote:

Rob is digesting email. I am waiting for him to call. Are you still available for call at 12:15?

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From: **Stinnett, Steve** <steve_stinnett@nps.gov>
Date: Thu, Oct 3, 2013 at 10:35 AM
Subject: Re: Letter to concession operator
To: "Horne, David" <david_horne@nps.gov>
Cc: Shawn Benge <shawn_benge@nps.gov>, William Reynolds <william_f_reynolds@nps.gov>

Bill,

I have a media call from a Reuters reporter from Winston Salem that want to talk about the Pisgah Inn. Guidance?

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On Thu, Oct 3, 2013 at 10:22 AM, Horne, David <david_horne@nps.gov> wrote:
That's great news Steve! I suggest we keep working on our plan until we see evidence of compliance.

Would you be able to get on a call with Shawn and I at 1100 hours this morning?

Call in: (b) (5)
Pass Code: (b) (5)

David Horne
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Young, Deirdre R

From: Benge, Shawn <shawn_benge@nps.gov>
Sent: Thursday, October 03, 2013 11:38 AM
To: McDowall, Lena
Cc: Cam Sholly
Subject: Re: Pisgah closure letter

We are doing scenerio planning for effecting a closure at Pisgah. Meeting scheduled for 11:45 with Park and SER Acting Chief Ranger. I will circle back after that meeting. This may all go away if they decide to comply, but I want us to have a plan in case we need to execute.

Standby.

On Thu, Oct 3, 2013 at 10:08 AM, McDowall, Lena <lena_mcdowall@nps.gov> wrote:
Shawn -

Here's the draft letter closing the facility (b) (5)

Thanks,

Lena

--

Lena McDowall
Associate Director, Business Services
Ph: (202) 208-5651
Cell: (202) 641-1814
Email: Lena_McDowall@nps.gov

--

Shawn Benge

Deputy Regional Director
Southeast Region
National Park Service
Office: 404 507 5605
Cell: 404 272 7253

Young, Deirdre R

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Thursday, October 03, 2013 11:24 AM
To: Stinnett, Steve
Cc: Reynolds, William; shawn_benge@nps.gov; david_horne@nps.gov; mike_litterst@nps.gov
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

greta - will move this down in order of priority then

On Thu, Oct 3, 2013 at 10:10 AM, Stinnett, Steve <steve_stinnett@nps.gov> wrote:
The General Manager of the Inn said in a phone to me that they are going to comply if told that there won't be a waiver for their operation.

Steve Stinnett
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On Thu, Oct 3, 2013 at 10:07 AM, Waldron, Suzanne <sue_waldron@nps.gov> wrote:
thaks - headingin to a meeting so will eb back to you before noon with any questions/edits

are their press calls pending ? or are you anticipating usingthis at 6 pm?

On Thu, Oct 3, 2013 at 9:50 AM, Stinnett, Steve <steve_stinnett@nps.gov> wrote:
latest

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On Thu, Oct 3, 2013 at 9:37 AM, Waldron, Suzanne <suc_waldron@nps.gov> wrote:
can someone attach the latest draft, please

On Thu, Oct 3, 2013 at 9:33 AM, Reynolds, William <william_f_reynolds@nps.gov> wrote:

(b) (5)

How does that sound to everyone?

Sue and Mike, please feel free to weigh in!

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(b) (5)

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
199 Hemphill Knob Rd
Asheville, NC 28803
828/348-3426 (O)
828/271-4118 (F)
828/273-6215 (C)

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Sent: Wednesday, October 02, 2013 03:46 PM
To: William Reynolds <william_f_reynolds@nps.gov>
Cc: Shawn Bengé <shawn_benge@nps.gov>; David Horne <david_horne@nps.gov>
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

Here is a link to the Citizen Times and USA Today articles. They are affiliated. Also Asheville ABC affiliate WLOS.

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copy

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I hope that is acceptable. I was not comfortable saying no comment.

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William F. Reynolds
Assistant Regional Director
National Park Service Southeast Region
404-507-5612

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Sue Waldron
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Young, Deirdre R

From: Margaret O'Dell <peggy_o'dell@nps.gov>
Sent: Thursday, October 03, 2013 11:08 AM
To: Benge, Shawn
Subject: Re: Pisgah Inn update

OK. We will be here for you.

Sent from my iPhone

On Oct 3, 2013, at 11:01 AM, "Benge, Shawn" <shawn_benge@nps.gov> wrote:

I don't trust that the concession operator will comply (hope that he will). I think we should have a plan just in case, so I would like to keep the 3:00. We will make it as brief as possible. We can spend a couple of minutes on storm stuff too.

On Thu, Oct 3, 2013 at 10:42 AM, Margaret O'Dell <peggy_o'dell@nps.gov> wrote:
Do you still need a call at 3 to discuss Pisgah? We can still discuss storm if you want. Just let me know. Thanks.

Sent from my iPhone

Begin forwarded message:

From: Michael Litterst <mike_litterst@nps.gov>
Date: October 3, 2013, 10:29:27 AM EDT
To: Jonathan Jarvis <jon_jarvis@nps.gov>, "Margaret O'Dell" <peggy_o'dell@nps.gov>, Maureen Foster <maureen_foster@nps.gov>, Lena McDowall <Lena_McDowall@nps.gov>
Subject: Fwd: Pisgah Inn update

Mike Litterst
Chief Spokesperson (Acting)
National Park Service
1849 C Street NW room 3310
Washington, D.C. 20240
202-513-0354 -office
202-306-4166 - mobile

Begin forwarded message:

From: "Stinnett, Steve" <steve_stinnett@nps.gov>
Date: October 3, 2013 10:10:27 AM EDT
To: "Waldron, Suzanne" <sue_waldron@nps.gov>
Cc: "Reynolds, William" <william_f_reynolds@nps.gov>, "shawn_benge@nps.gov" <shawn_benge@nps.gov>, "david_horne@nps.gov"

<david_horne@nps.gov>, "mike_litterst@nps.gov"

<mike_litterst@nps.gov>

**Subject: Re: Media Contact, Asheville Citizen Times Re:
Asheville Citizen Times**

The General Manager of the Inn said in a phone to me that they are going to comply if told that there won't be a waiver for their operation.

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thaks - headingin to a meeting so will eb back to you before noon with any questions/edits

are their press calls pending ? or are you anticipating usingthuis at 6 pm?

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latest

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can someone attach the latest draft, please

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Shawn Bengé

Deputy Regional Director

Southeast Region

National Park Service

Office: 404 507 5605

Cell: 404 272 7253

Young, Deirdre R

From: Benge, Shawn <shawn_benge@nps.gov>
Sent: Thursday, October 03, 2013 11:02 AM
To: Margaret O'Dell
Subject: Re: Pisgah Inn update

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Date: October 3, 2013, 10:29:27 AM EDT
To: Jonathan Jarvis <jon_jarvis@nps.gov>, "Margaret O'Dell" <peggy_o'dell@nps.gov>, Maureen Foster <maureen_foster@nps.gov>, Lena McDowall <Lena_McDowall@nps.gov>
Subject: Fwd: Pisgah Inn update

Mike Litterst
Chief Spokesperson (Acting)
National Park Service
1849 C Street NW room 3310
Washington, D.C. 20240
202-513-0354 -office
202-306-4166 - mobile

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Date: October 3, 2013 10:10:27 AM EDT
To: "Waldron, Suzanne" <sue_waldron@nps.gov>
Cc: "Reynolds, William" <william_f_reynolds@nps.gov>, "shawn_benge@nps.gov" <shawn_benge@nps.gov>, "david_horne@nps.gov" <david_horne@nps.gov>, "mike_litterst@nps.gov" <mike_litterst@nps.gov>
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Steve, had two more phone calls with other parks, then had to catch my last bus home. Will finish the DRAFT talking points and send to you tonight.

Bill

From: Stinnett, Steve [mailto:steve_stinnett@nps.gov]

Sent: Wednesday, October 02, 2013 02:05 PM

To: Reynolds, William <william_f_reynolds@nps.gov>

Cc: Shawn Benge <shawn_benge@nps.gov>

Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

copy

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
199 Hemphill Knob Rd
Asheville, NC 28803
828/348-3426 (O)
828/271-4118 (F)
828/273-6215 (C)

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On Wed, Oct 2, 2013 at 5:05 PM, Reynolds, William
<william_f_reynolds@nps.gov> wrote:

(b) (5)

Hope to have the talking points to you shortly.
Bill

On Wed, Oct 2, 2013 at 4:53 PM, Stinnett, Steve
<steve_stinnett@nps.gov> wrote:
Bill,

I just received a call from the Asheville Citizen Times. The reporter had talked to the General Manager of the concession, Rob Miller. Rob had told the reporter that they are not going to comply. My response to questions from the reporter was that the concession is not in violation of the requirement to close until 6 pm tomorrow and that the park is discussing the matter up to the Washington Office to ensure that all issues are properly addressed.

I hope that is acceptable. I was not comfortable saying no comment.

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--

William F. Reynolds
Assistant Regional Director
National Park Service Southeast Region
404-507-5612

--

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Assistant Regional Director
National Park Service Southeast Region
404-507-5612

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Sue Waldron
Assistant Director, Communications
National Park Service
(202) 208-3046
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EXPERIENCE YOUR AMERICA

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EXPERIENCE YOUR AMERICA

--

Shawn Bengé

Deputy Regional Director
Southeast Region
National Park Service
Office: 404 507 5605
Cell: 404 272 7253

Young, Deirdre R

From: Margaret O'Dell <peggy_o'dell@nps.gov>
Sent: Thursday, October 03, 2013 10:42 AM
To: Shawn Benge
Subject: Fwd: Pisgah Inn update

Do you still need a call at 3 to discuss Pisgah? We can still discuss storm if you want. Just let me know. Thanks.

Sent from my iPhone

Begin forwarded message:

From: Michael Litterst <mike_litterst@nps.gov>
Date: October 3, 2013, 10:29:27 AM EDT
To: Jonathan Jarvis <jon_jarvis@nps.gov>, "Margaret O'Dell" <peggy_o'dell@nps.gov>, Maureen Foster <maureen_foster@nps.gov>, Lena McDowall <Lena_McDowall@nps.gov>
Subject: Fwd: Pisgah Inn update

Mike Litterst
Chief Spokesperson (Acting)
National Park Service
1849 C Street NW room 3310
Washington, D.C. 20240
202-513-0354 -office
202-306-4166 - mobile

Begin forwarded message:

From: "Stinnett, Steve" <steve_stinnett@nps.gov>
Date: October 3, 2013 10:10:27 AM EDT
To: "Waldron, Suzanne" <sue_waldron@nps.gov>
Cc: "Reynolds, William" <william_f_reynolds@nps.gov>, "shawn_benge@nps.gov" <shawn_benge@nps.gov>, "david_horne@nps.gov" <david_horne@nps.gov>, "mike_litterst@nps.gov" <mike_litterst@nps.gov>
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

The General Manager of the Inn said in a phone to me that they are going to comply if told that there won't be a waiver for their operation.

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
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Asheville, NC 28803

828/348-3426 (O)

828/271-4118 (F)

828/273-6215 (C)

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On Thu, Oct 3, 2013 at 10:07 AM, Waldron, Suzanne <sue_waldron@nps.gov> wrote:

thaks - headingin to a meeting so will eb back to you before noon with any questions/edits

are their press calls pending ? or are you anticipating usingthis at 6 pm?

On Thu, Oct 3, 2013 at 9:50 AM, Stinnett, Steve <steve_stinnett@nps.gov> wrote:

latest

Steve Stinnett
Chief Ranger
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Asheville, NC 28803
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On Thu, Oct 3, 2013 at 9:37 AM, Waldron, Suzanne <sue_waldron@nps.gov> wrote:

can someone attach the latest draft, please

On Thu, Oct 3, 2013 at 9:33 AM, Reynolds, William
<william_f_reynolds@nps.gov> wrote:

(b) (5)

How does that sound to everyone?

Sue and Mike, please feel free to weigh in!

On Thu, Oct 3, 2013 at 9:12 AM, Stinnett, Steve <steve_stinnett@nps.gov>
wrote:

(b) (5)

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On Thu, Oct 3, 2013 at 8:38 AM, Stinnett, Steve <steve_stinnett@nps.gov>
wrote:

Its long list of facilities (even without those closed due to the decreased funding related to Sequestration).

Steve Stinnett
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On Wed, Oct 2, 2013 at 9:05 PM, Reynolds, William

<william_f_reynolds@nps.gov> wrote:

Steve, please take first crack at these DRAFT Talking Points. Others, feel free to chime in after Steve.

Thanks,

Bill

On Wed, Oct 2, 2013 at 7:59 PM, Suzanne Waldron <sue_waldron@nps.gov>

wrote:

Can we see the tpts?

Sent from my iPhone

On Oct 2, 2013, at 7:47 PM, William Reynolds <william_f_reynolds@nps.gov>

wrote:

Thanks, Steve! Looping in WASO

From: Stinnett, Steve [mailto:steve_stinnett@nps.gov]

Sent: Wednesday, October 02, 2013 03:46 PM

To: William Reynolds <william_f_reynolds@nps.gov>

Cc: Shawn Bengé <shawn_benge@nps.gov>; David Horne <david_horne@nps.gov>

Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

Here is a link to the Citizen Times and USA Today articles. They are affiliated. Also Asheville ABC affiliate WLOS.

<http://www.citizen-times.com/article/20131002/NEWS01/310020080/Pisgah-Inn-refuses-close-federal-shutdown>

<http://www.usatoday.com/story/news/nation/2013/10/02/blue-ridge-lodge-to-defy-shutdown-order/2911875/>

http://www.wlos.com/shared/news/features/top-stories/stories/wlos_pisgah-inn-open-despite-govt-shutdown-13458.shtml

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Sent: Wednesday, October 02, 2013 02:05 PM
To: Reynolds, William <william_f_reynolds@nps.gov>
Cc: Shawn Bengé <shawn_benge@nps.gov>
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

copy

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(b) (5)

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Bill,

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William F. Reynolds
Assistant Regional Director
National Park Service Southeast Region
404-507-5612

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Sue Waldron
Assistant Director, Communications
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Young, Deirdre R

From: Stinnett, Steve <steve_stinnett@nps.gov>
Sent: Thursday, October 03, 2013 10:36 AM
To: Horne, David
Cc: Shawn Bengel; William Reynolds
Subject: Re: Letter to concession operator

Bill,

I have a media call from a Reuters reporter from Winston Salem that want to talk about the Pisgah Inn. Guidance?

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
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On Thu, Oct 3, 2013 at 10:22 AM, Horne, David <david_horne@nps.gov> wrote:
That's great news Steve! I suggest we keep working on our plan until we see evidence of compliance.

Would you be able to get on a call with Shawn and I at 1100 hours this morning?

Call in: (b) (5)
Pass Code: (b) (5)

David Horne
Chief Ranger (acting)
Southeast Region
National Park Service

Office: 404-507-5622
Mobile: 303-726-5841

On Thu, Oct 3, 2013 at 10:08 AM, Stinnett, Steve <steve_stinnett@nps.gov> wrote:
Rob Miller just called me and stated that they feel that they have made their point and will comply when they are told that there is no option but to close today. I feel that it would be best to do that earlier rather than later in the day so that they can give their guests adequate notice. I am sure that they will have a lot of work to do related to contacting people with reservations and processing refunds.

Steve Stinnett
Chief Ranger
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On Thu, Oct 3, 2013 at 10:02 AM, Stinnett, Steve <steve_stinnett@nps.gov> wrote:
Shawn,

Please give me a call. I have some updated information from the General Manager of the Inn.

Steve Stinnett
Chief Ranger
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On Wed, Oct 2, 2013 at 8:35 PM, Shawn Bengé <shawn_benge@nps.gov> wrote:
Talk to Lena this evening. Waso should have some draft language for us review mid morning tomorrow. Focused on the civil side.

Young, Deirdre R

From: Stinnett, Steve <steve_stinnett@nps.gov>
Sent: Thursday, October 03, 2013 10:25 AM
To: Horne, David
Cc: Shawn Bengel; William Reynolds
Subject: Re: Letter to concession operator

Sure will

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
199 Hemphill Knob Rd
Asheville, NC 28803
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Southeast Region
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Office: 404-507-5622
Mobile: 303-726-5841

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Young, Deirdre R

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To: Stinnett, Steve
Cc: Shawn Bengel; William Reynolds
Subject: Re: Letter to concession operator

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Sent: Thursday, October 03, 2013 10:22 AM
To: Stinnett, Steve
Cc: Waldron, Suzanne; shawn_benge@nps.gov; david_horne@nps.gov; mike_litterst@nps.gov
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

Great news, if true!

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199 Hemphill Knob Rd
Asheville, NC 28803
828/348-3426 (O)
828/271-4118 (F)
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Sent: Wednesday, October 02, 2013 03:46 PM
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Cc: Shawn Benge <shawn_benge@nps.gov>; David Horne <david_horne@nps.gov>
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

Here is a link to the Citizen Times and USA Today articles. They are affiliated. Also Asheville ABC affiliate WLOS.

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http://www.wlos.com/shared/news/features/top-stories/stories/wlos_pisgah-inn-open-despite-govt-shutdown-13458.shtml

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William F. Reynolds
Assistant Regional Director
National Park Service Southeast Region
404-507-5612

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Assistant Regional Director
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Young, Deirdre R

From: Stinnett, Steve <steve_stinnett@nps.gov>
Sent: Thursday, October 03, 2013 10:10 AM
To: Waldron, Suzanne
Cc: Reynolds, William; shawn_benge@nps.gov; david_horne@nps.gov; mike_litterst@nps.gov
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

The General Manager of the Inn said in a phone to me that they are going to comply if told that there won't be a waiver for their operation.

Steve Stinnett
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are their press calls pending ? or are you anticipating usingthuis at 6 pm?

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(b) (5)

How does that sound to everyone?

Sue and Mike, please feel free to weigh in!

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(b) (5)

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Young, Deirdre R

From: McDowall, Lena <lena_mcdowall@nps.gov>
Sent: Thursday, October 03, 2013 10:09 AM
To: Shawn Bengé
Cc: Cam Sholly
Subject: Pisgah closure letter
Attachments: Pisgah Inn facility closure letter.docx

Shawn -

Here's the draft letter closing the facility (b) (5)

Thanks,

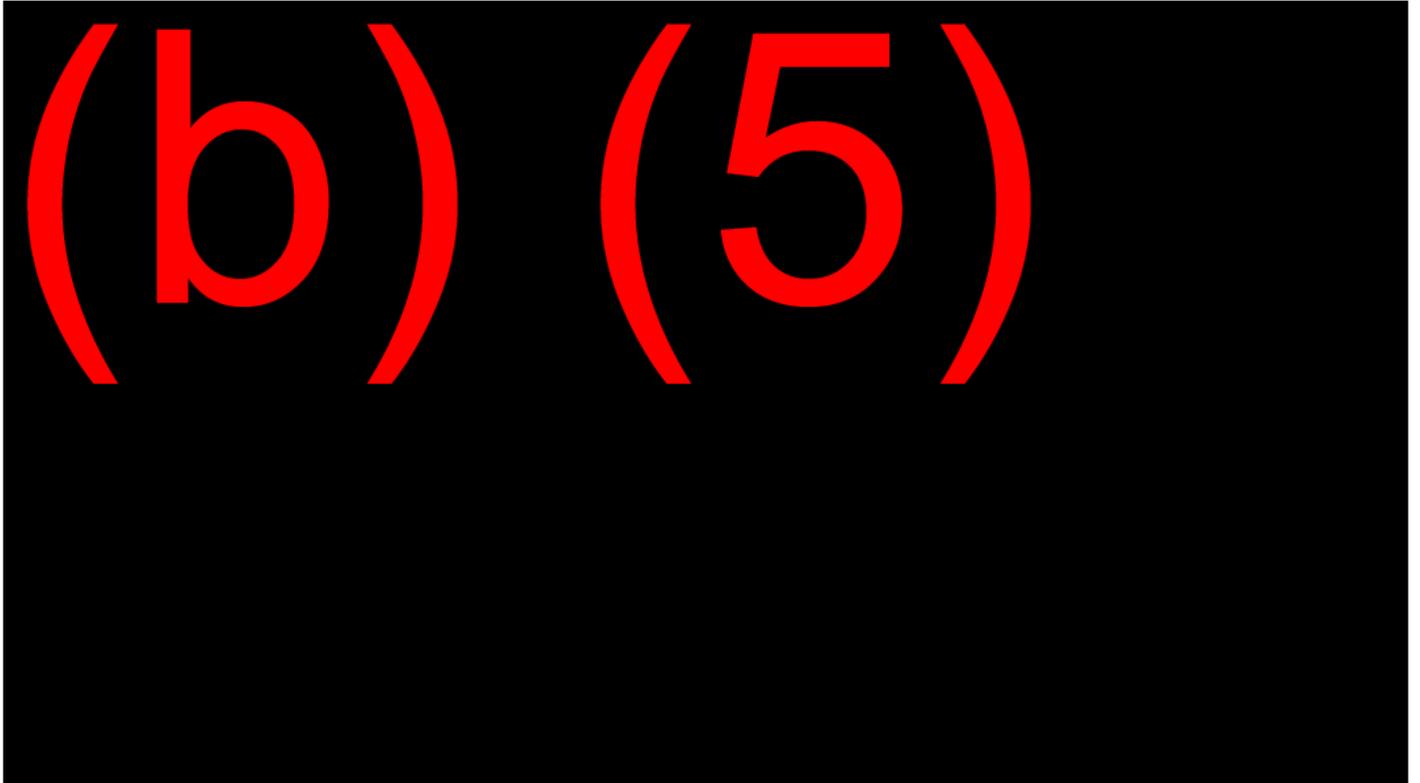
Lena

--

Lena McDowall
Associate Director, Business Services
Ph: (202) 208-5651
Cell: (202) 641-1814
Email: Lena_McDowall@nps.gov

Mr. Bruce O'Connell
Managing Director
Parkway Inn, Inc.
Post Office Drawer 749
Waynesville, NC 28786

Dear Mr. O'Connell:



SY [Regional Director]

Young, Deirdre R

From: Stinnett, Steve <steve_stinnett@nps.gov>
Sent: Thursday, October 03, 2013 10:09 AM
To: Shawn Bengé
Cc: David Horne; William Reynolds
Subject: Re: Letter to concession operator

Rob Miller just called me and stated that they feel that they have made their point and will comply when they are told that there is no option but to close today. I feel that it would be best to do that earlier rather than later in the day so that they can give their guests adequate notice. I am sure that they will have a lot of work to do related to contacting people with reservations and processing refunds.

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On Thu, Oct 3, 2013 at 10:02 AM, Stinnett, Steve <steve_stinnett@nps.gov> wrote:
Shawn,

Please give me a call. I have some updated information from the General Manager of the Inn.

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On Wed, Oct 2, 2013 at 8:35 PM, Shawn Bengé <shawn_benge@nps.gov> wrote:
Talk to Lena this evening. Waso should have some draft language for us review mid morning tomorrow. Focused on the civil side.

Young, Deirdre R

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Thursday, October 03, 2013 10:07 AM
To: Stinnett, Steve
Cc: Reynolds, William; shawn_benge@nps.gov; david_horne@nps.gov; mike_litterst@nps.gov
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

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I think it was fine, Steve. Moving forward, I would say that we are "reviewing the situation and will determine our course of action in due course." No need to mention WASO or Region.

Hope to have the talking points to you shortly.
Bill

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I hope that is acceptable. I was not comfortable saying no comment.

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828/348-3426 (O)
828/271-4118 (F)

828/273-6215 (C)

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William F. Reynolds
Assistant Regional Director
National Park Service Southeast Region
404-507-5612

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Sue Waldron
Assistant Director, Communications

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Young, Deirdre R

From: Stinnett, Steve <steve_stinnett@nps.gov>
Sent: Thursday, October 03, 2013 10:03 AM
To: Shawn Benge
Cc: David Horne; William Reynolds
Subject: Re: Letter to concession operator

Shawn,

Please give me a call. I have some updated information from the General Manager of the Inn.

Steve Stinnett
Chief Ranger
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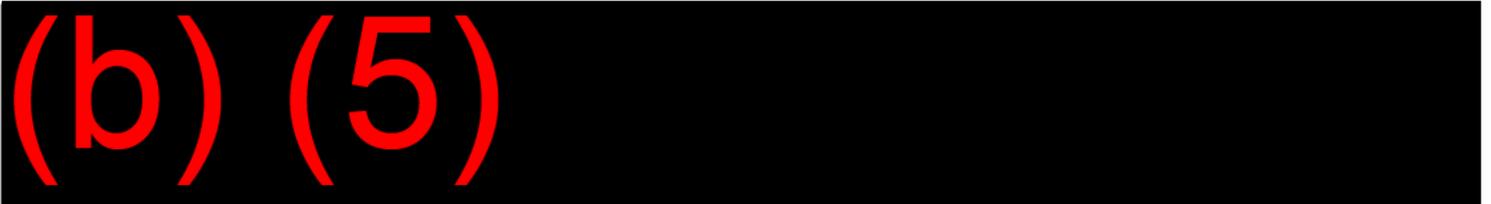
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On Wed, Oct 2, 2013 at 8:35 PM, Shawn Benge <shawn_benge@nps.gov> wrote:
Talk to Lena this evening. Waso should have some draft language for us review mid morning tomorrow. Focused on the civil side.

Young, Deirdre R

From: McDowall, Lena <lena_mcdowall@nps.gov>
Sent: Thursday, October 03, 2013 9:56 AM
To: Benge, Shawn
Cc: Cam Sholly
Subject: Draft Closure violation notice for Pisgah Inn
Attachments: Pisgah Inn breach of contract letter[2].docx

Shawn -



Thanks,

Lena

--
Lena McDowall
Associate Director, Business Services
Ph: (202) 208-5651
Cell: (202) 641-1814
Email: Lena_McDowall@nps.gov

Mr. Bruce O'Connell
Managing Director
Parkway Inn, Inc.
Post Office Drawer 749
Waynesville, NC 28786

Dear Mr. O'Connell:

(b) (5)

(b) (5)

Young, Deirdre R

From: O'Dell, Margaret <peggy_o'dell@nps.gov>
Sent: Thursday, October 03, 2013 9:52 AM
To: Benge, Shawn
Cc: Cam Sholly; Lena McDowall
Subject: Re: BLRI (Mt. Pisgah) and Tropical Storm

Hi Shawn,

More than happy to have conversations this afternoon. Let's plan on 3:00 EDT and you can use this number to call in:

(b) (5)
code (b) (5)

Cam and Lena also invited to that meeting.

I follow your logic to bring in the Supt to deal with the escalating issue so you are free to call him back.

Would you like to discuss storm issues as well at 3?

On Thu, Oct 3, 2013 at 9:08 AM, Benge, Shawn <shawn_benge@nps.gov> wrote:

Peggy,

We are still formulating options to react to the BLRI concession operator's refusal to shut down. The issue is now getting some national media attention (print). Every option we are putting on the table and working through in our minds has consequences. In most cases the consequences could have implications beyond the park and region. I'm not in a position, just yet, to come to you with a range of options with pros and cons (along with our preferred option). We should be there sometime this afternoon and **I would like to schedule some time to discuss with you around 3:00ish if that is possible?** (b) (5)

(b) (5)

(b) (5) Let me know if you have any concerns.

We have been monitoring the storm in the Gulf of Mexico and are having discussions with potentially impacted parks (Gulf Islands and Jean Lafitte). While these units are closed, there is still work that will need to get accomplished as part of activating their respective hurricane/tropical storm plans. They will need to move equipment off island, secure real property, etc.... We will need to bring folks back to accomplish these activities, so our "excepted" list will grow in those parks. Also, depending on the impact of the storm, I may

need to bring in a 4th person in SERO to coordinate storm response efforts. I don't have the capacity to do that with current staffing levels. Stay-tuned!

Shawn Bengé

Deputy Regional Director
Southeast Region
National Park Service
Office: 404 507 5605
Cell: 404 272 7253

Young, Deirdre R

From: Stinnett, Steve <steve_stinnett@nps.gov>
Sent: Thursday, October 03, 2013 9:50 AM
To: Waldron, Suzanne
Cc: Reynolds, William; shawn_benge@nps.gov; david_horne@nps.gov; mike_litterst@nps.gov
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times
Attachments: BLRI - Pisgah Inn Tlk Pts - 10-03-13.docx

latest

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On Thu, Oct 3, 2013 at 9:37 AM, Waldron, Suzanne <sue_waldron@nps.gov> wrote:
can someone attach the latest draft, please

On Thu, Oct 3, 2013 at 9:33 AM, Reynolds, William <william_f_reynolds@nps.gov> wrote:

(b) (5)

How does that sound to everyone?

Sue and Mike, please feel free to weigh in!

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To: William Reynolds <william_f_reynolds@nps.gov>
Cc: Shawn Bengé <shawn_benge@nps.gov>; David Horne <david_horne@nps.gov>
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Here is a link to the Citizen Times and USA Today articles. They are affiliated. Also Asheville ABC affiliate WLOS.

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<http://www.usatoday.com/story/news/nation/2013/10/02/blue-ridge-lodge-to-defy-shutdown-order/2911875/>

http://www.wlos.com/shared/news/features/top-stories/stories/wlos_pisgah-inn-open-despite-govt-shutdown-13458.shtml

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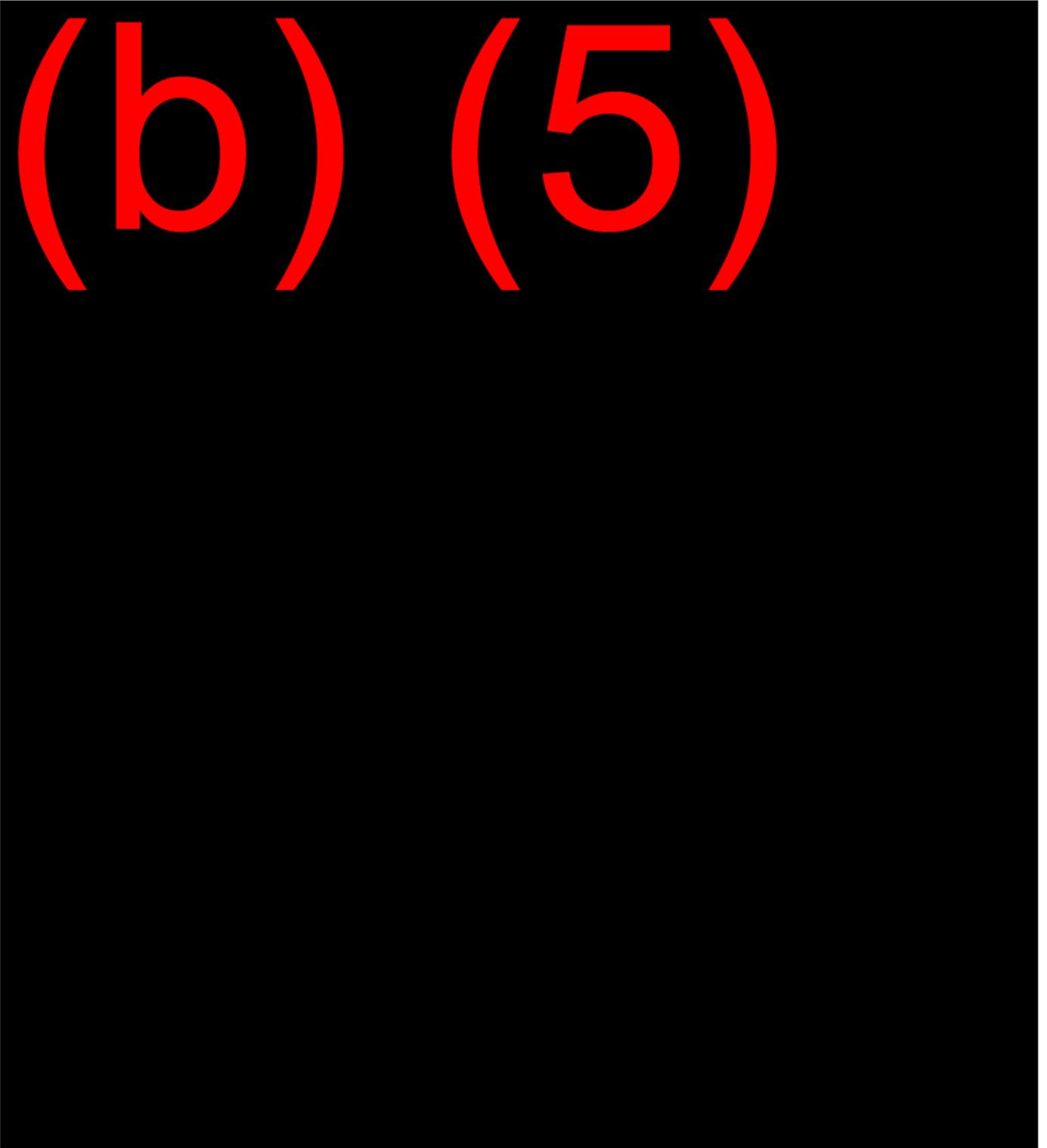
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Blue Ridge Parkway – Pisgah Inn
DRAFT Talking Points
October 3, 2013



(b) (5)

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I think it was fine, Steve. Moving forward, I would say that we are "reviewing the situation and will determine our course of action in due course." No need to mention WASO or Region.

Hope to have the talking points to you shortly.
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To: Reynolds, William <william_f_reynolds@nps.gov>
Cc: Shawn Bengé <shawn_benge@nps.gov>
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

copy

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
199 Hemphill Knob Rd
Asheville, NC 28803
828/348-3426 (O)
828/271-4118 (F)
828/273-6215 (C)

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(b) (5)

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National Park Service Southeast Region
404-507-5612

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Young, Deirdre R

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Thursday, October 03, 2013 9:23 AM
To: Stinnett, Steve
Cc: Reynolds, William; shawn_benge@nps.gov; david_horne@nps.gov; mike_litterst@nps.gov
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

please ;let us know when you are ready for us to look at these

On Thu, Oct 3, 2013 at 9:12 AM, Stinnett, Steve <steve_stinnett@nps.gov> wrote:

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Sue Waldron
Assistant Director, Communications
National Park Service
(202) 208-3046
Visit us at www.nps.gov

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EXPERIENCE YOUR AMERICA

Young, Deirdre R

From: Stinnett, Steve <steve_stinnett@nps.gov>
Sent: Thursday, October 03, 2013 9:13 AM
To: Reynolds, William
Cc: Suzanne Waldron; shawn_benge@nps.gov; david_horne@nps.gov; mike_litterst@nps.gov
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

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William F. Reynolds
Assistant Regional Director
National Park Service Southeast Region
404-507-5612

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William F. Reynolds
Assistant Regional Director
National Park Service Southeast Region
404-507-5612

Young, Deirdre R

From: Benge, Shawn <shawn_benge@nps.gov>
Sent: Thursday, October 03, 2013 9:08 AM
To: Margaret O'Dell
Cc: Cam Sholly; Lena McDowall
Subject: BLRI (Mt. Pisgah) and Tropical Storm

Peggy,

We are still formulating options to react to the BLRI concession operator's refusal to shut down. The issue is now getting some national media attention (print). Every option we are putting on the table and working through in our minds has consequences. In most cases the consequences could have implications beyond the park and region. I'm not in a position, just yet, to come to you with a range of options with pros and cons (along with our preferred option). We should be there sometime this afternoon and **I would like to schedule some time to discuss with you around 3:00ish if that is possible?** (b) (5)

(b) (5)

(b) (5) Let me know if you have any concerns.

We have been monitoring the storm in the Gulf of Mexico and are having discussions with potentially impacted parks (Gulf Islands and Jean Lafitte). While these units are closed, there is still work that will need to get accomplished as part of activating their respective hurricane/tropical storm plans. They will need to move equipment off island, secure real property, etc.... We will need to bring folks back to accomplish these activities, so our "excepted" list will grow in those parks. Also, depending on the impact of the storm, I may need to bring in a 4th person in SERO to coordinate storm response efforts. I don't have the capacity to do that with current staffing levels. Stay-tuned!

Shawn Benge

Deputy Regional Director
Southeast Region
National Park Service
Office: 404 507 5605
Cell: 404 272 7253

Young, Deirdre R

From: Stinnett, Steve <steve_stinnett@nps.gov>
Sent: Thursday, October 03, 2013 8:39 AM
To: Reynolds, William
Cc: Suzanne Waldron; shawn_benge@nps.gov; david_horne@nps.gov; mike_litterst@nps.gov
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times
Attachments: BLRI - Pisgah Inn Tlk Pts - 10-03-13.docx

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Blue Ridge Parkway – Pisgah Inn
DRAFT Talking Points
October 3, 2013

(b) (5)

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DRAFT

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Attachments: BLRI - Pisgah Inn Tik Pts - 100213.docx

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Steve, had two more phone calls with other parks, then had to catch my last bus home. Will finish the DRAFT talking points and send to you tonight.
Bill

From: Stinnett, Steve [mailto:steve_stinnett@nps.gov]
Sent: Wednesday, October 02, 2013 02:05 PM
To: Reynolds, William <william_f_reynolds@nps.gov>
Cc: Shawn Bengel <shawn_benge@nps.gov>
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

copy

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
199 Hemphill Knob Rd
Asheville, NC 28803
828/348-3426 (O)
828/271-4118 (F)
828/273-6215 (C)

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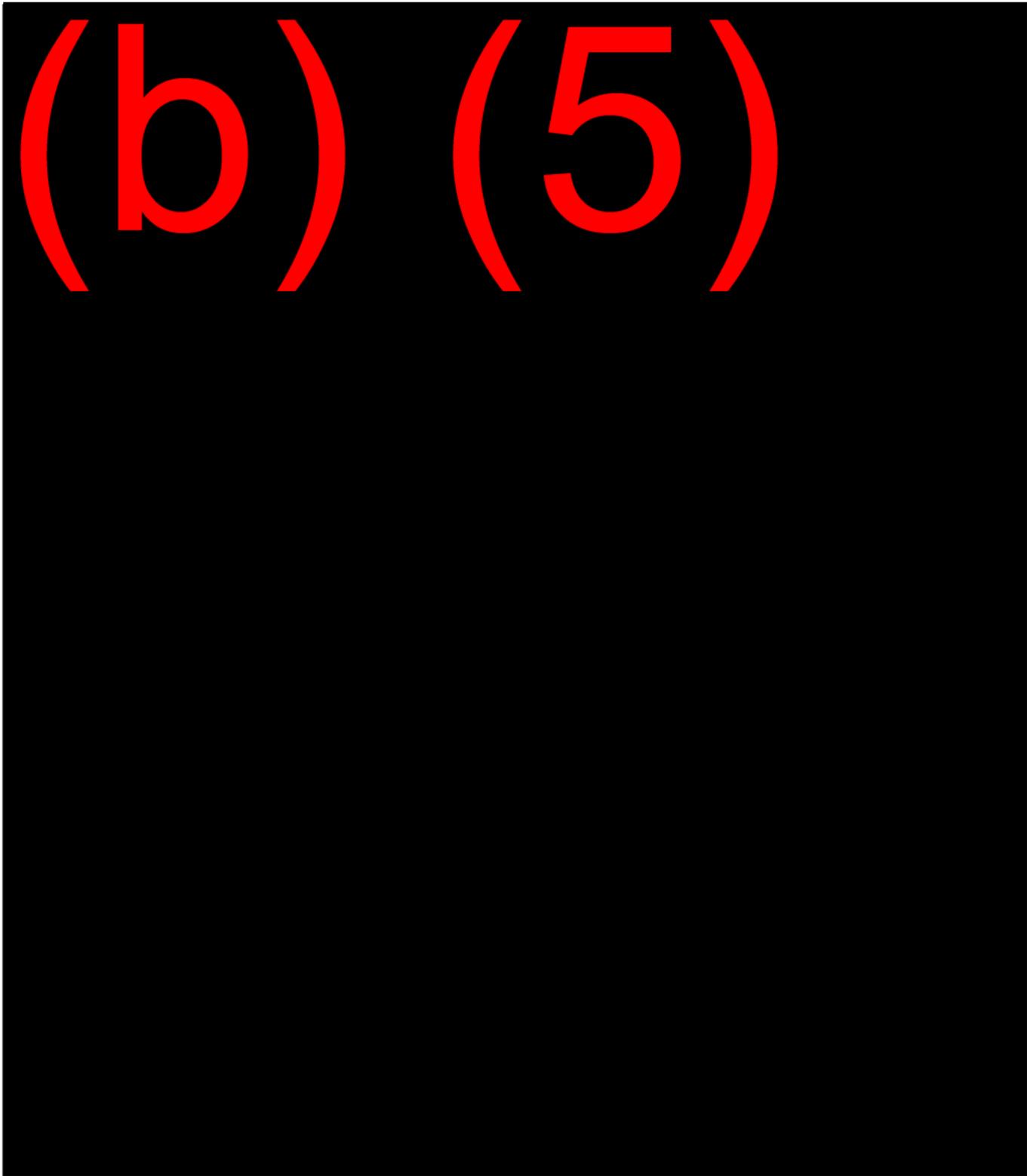
--

William F. Reynolds
Assistant Regional Director
National Park Service Southeast Region
404-507-5612

--

William F. Reynolds
Assistant Regional Director
National Park Service Southeast Region
404-507-5612

Blue Ridge Parkway – Pisgah Inn
DRAFT Talking Points
October 2, 2013



Young, Deirdre R

From: William Reynolds <william_f_reynolds@nps.gov>
Sent: Wednesday, October 02, 2013 8:01 PM
To: Sue_Waldron@nps.gov
Cc: steve_stinnett@nps.gov; shawn_benge@nps.gov; david_horne@nps.gov; mike_litterst@nps.gov
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

Still in draft working on them at home. Will send revised to all shortly.
Bill

From: Suzanne Waldron [mailto:sue_waldron@nps.gov]
Sent: Wednesday, October 02, 2013 04:59 PM
To: William Reynolds <william_f_reynolds@nps.gov>
Cc: steve_stinnett@nps.gov <steve_stinnett@nps.gov>; shawn_benge@nps.gov <shawn_benge@nps.gov>; david_horne@nps.gov <david_horne@nps.gov>; mike_litterst@nps.gov <mike_litterst@nps.gov>
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

Can we see the tpts?

Sent from my iPhone

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To: William Reynolds <william_f_reynolds@nps.gov>
Cc: Shawn Benge <shawn_benge@nps.gov>; David Horne <david_horne@nps.gov>
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To: Reynolds, William <william_f_reynolds@nps.gov>

Cc: Shawn Bengé <shawn_benge@nps.gov>

Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

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William F. Reynolds
Assistant Regional Director
National Park Service Southeast Region
404-507-5612

Young, Deirdre R

From: Suzanne Waldron <sue_waldron@nps.gov>
Sent: Wednesday, October 02, 2013 7:59 PM
To: William Reynolds
Cc: steve_stinnett@nps.gov; shawn_benge@nps.gov; david_horne@nps.gov; mike_litterst@nps.gov
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

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William F. Reynolds
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National Park Service Southeast Region
404-507-5612

Young, Deirdre R

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Cc: shawn_benge@nps.gov; david_horne@nps.gov; Sue_Waldron@nps.gov; mike_litterst@nps.gov
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National Park Service Southeast Region
404-507-5612

Young, Deirdre R

From: Stinnett, Steve <steve_stinnett@nps.gov>
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To: William Reynolds
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Sent: Wednesday, October 02, 2013 5:06 PM
To: Reynolds, William
Cc: Shawn Bengé
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

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I just received a call from the Asheville Citizen Times. The reporter had talked to the General Manager of the concession, Rob Miller. Rob had told the reporter that they are not going to comply. My response to questions from the reporter was that the concession is not in violation of the requirement to close until 6 pm tomorrow and that the park is discussing the matter up to the Washington Office to ensure that all issues are properly addressed.

I hope that is acceptable. I was not comfortable saying no comment.

Steve Stinnett
Chief Ranger

Blue Ridge Parkway
199 Hemphill Knob Rd
Asheville, NC 28803
828/348-3426 (O)
828/271-4118 (F)
828/273-6215 (C)

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--

William F. Reynolds
Assistant Regional Director
National Park Service Southeast Region
404-507-5612

Young, Deirdre R

From: Reynolds, William <william_f_reynolds@nps.gov>
Sent: Wednesday, October 02, 2013 5:06 PM
To: Stinnett, Steve
Cc: Shawn Bengé
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

(b) (5)

Hope to have the talking points to you shortly.
Bill

On Wed, Oct 2, 2013 at 4:53 PM, Stinnett, Steve <steve_stinnett@nps.gov> wrote:
Bill,

I just received a call from the Asheville Citizen Times. The reporter had talked to the General Manager of the concession, Rob Miller. Rob had told the reporter that they are not going to comply. My response to questions from the reporter was that the concession is not in violation of the requirement to close until 6 pm tomorrow and that the park is discussing the matter up to the Washington Office to ensure that all issues are properly addressed.

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William F. Reynolds
Assistant Regional Director
National Park Service Southeast Region
404-507-5612

Young, Deirdre R

From: Stinnett, Steve <steve_stinnett@nps.gov>
Sent: Wednesday, October 02, 2013 4:53 PM
To: William Reynolds
Cc: Shawn Bengé
Subject: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

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Young, Deirdre R

From: Horne, David <david_horne@nps.gov>
Sent: Wednesday, October 02, 2013 11:51 AM
To: Benge, Shawn
Subject: Re: SER Issue (BLRI)
Attachments: 20131002_SER_Brief.docx

Shawn,

Here is what I have so far for a written brief if you'd like to review and forward as well.

David Horne
Chief Ranger (acting)
Southeast Region
National Park Service

Office: 404-507-5622
Mobile: 303-726-5841

On Wed, Oct 2, 2013 at 11:29 AM, Benge, Shawn <shawn_benge@nps.gov> wrote:
Cam/Lena,

We have an issue at BLRI that is getting legs that I need to chat with you guys about. Want to make sure WASO is comfortable with our strategy. Would you guys be available for a 1:00 eastern call today?

Let me know,

Thanks,

Shawn

--

Shawn Benge

Deputy Regional Director
Southeast Region
National Park Service
Office: 404 507 5605
Cell: 404 272 7253



Government Shutdown Situation Brief Blue Ridge Parkway and the Pisgah Inn October 2, 2013

Situation

The NPS was directed to close all non-essential functions on October 1, 2013 to include all concession operations. The Pisgah Inn was notified in writing the closure included their operation. The Inn's manager, Bruce O'Connell, acknowledged the notification but indicated he is considering "taking a stand" by remaining open to the public.

The Pisgah Inn is along the Blue Ridge Parkway and cannot be secured by physical NPS gates. Mr. O'Connell contacted Chief Ranger Steve Stinnett to discuss his intentions (see message below). Chief Stinnett then contacted the Regional Office for guidance and direction.

Approach

(b) (5)



Result

(b) (5)



Message from Mr. O'Connell:

From: (b) (6)
Date: October 1, 2013, 11:22:53 PM EDT
To: <steve_stinnett@nps.gov>
Subject: From Bruce O'Connell at Pisgah Inn

Hi Steve,
Crazy times we are living in....would you not agree?

Steve.....I am considering taking a stand. I understand the motor road will not be gated shut.

Can you please tell me what the process would look like if at 6pm on Thursday Pisgah Inn simply does NOT close?

What would happen?

I am not trying to make anyone's life difficult...but I am old and have convictions and little to lose.

I am starting to worry about the way things are going.

if not now, when? If not me, then who?

I know I sound crazy, but I am serious. What would you and the NPS do if I do not close? Can we discuss what would happen?

Please open a dialogue with me. Sorry about all of this (for all of us).

Thanks,

Bruce



Potentially Applicable Violations

36 CFR § 1.5 (f)

Closures and public use limits: Violating a closure, designation, use or activity restriction or condition, schedule of visiting hours, or public use limit is prohibited.

36 CFR § 5.3

Business operations: Engaging in or soliciting any business in park areas, except in accordance with the provisions of a permit, contract, or other written agreement with the United States, except as such may be specifically authorized under special regulations applicable to a park area, is prohibited.

36CFR2.32—Interfering with agency functions

(a) The following are prohibited:

(1) Interference. Threatening, resisting, intimidating, or intentionally interfering with a government employee or agent engaged in an official duty, or on account of the performance of an official duty.

(2) Lawful order. Violating the lawful order of a government employee or agent authorized to maintain order and control public access and movement during fire fighting operations, search and rescue operations, wildlife management operations involving animals that pose a threat to public safety, law enforcement actions, and emergency operations that involve a threat to public safety or park resources, or other activities where the control of public movement and activities is necessary to maintain order and public safety.

(3) False information. Knowingly giving a false or fictitious report or other false information: (i) To an authorized person investigating an accident or violation of law or regulation or; (ii) on an application for a permit.

(4) False Report. Knowingly giving a false report for the purpose of misleading a government employee or agent in the conduct of official duties, or making a false report that causes a response by the United States to a fictitious event.

(b) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

Young, Deirdre R

From: Stinnett, Steve <steve_stinnett@nps.gov>
Sent: Saturday, October 05, 2013 11:47 AM
To: David Horne; William Reynolds; Dana Soehn; Shawn Bengel; Mark Woods
Subject: Re: Draft Rules of Engagement 10/5/13
Attachments: Draft Rules of Engagement.docx

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
199 Hemphill Knob Rd
Asheville, NC 28803
828/348-3426 (O)
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On Sat, Oct 5, 2013 at 11:01 AM, Stinnett, Steve <steve_stinnett@nps.gov> wrote:

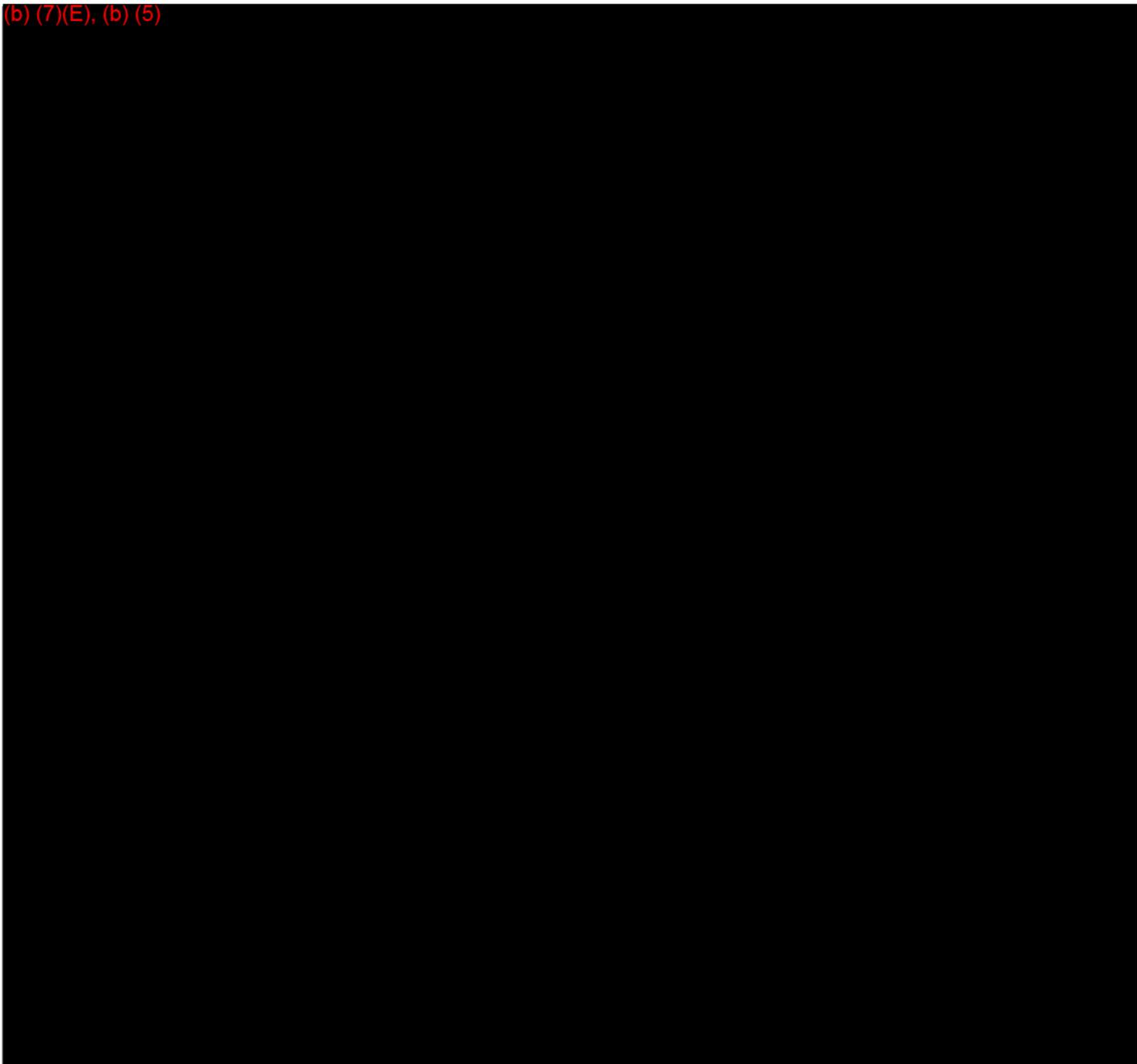
Steve Stinnett
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Rules of Engagement

(b) (7)(E), (b) (5)



PIO Contacts:

Local (b) (6), (b) (7)(C)

Young, Deirdre R

From: Lena McDowall <lena_mcdowall@nps.gov>
Sent: Friday, October 04, 2013 4:23 PM
To: Shawn Benge
Subject: Fwd: Draft Letter to Kevin Garden re Adequacy of Notice to Pisgah Inn
Attachments: NPS ltr re BLRI003-04BNR.docx

Shawn -

Here's the draft letter. I'll give you a call as soon as I get out of this meeting.

-- Lena

Sent from my iPhone

Begin forwarded message:

From: "Lackey, Melissa" <melissa.lackey@sol.doi.gov>
Date: October 4, 2013, 3:48:43 PM EDT
To: "Roth, Barry" <barry.roth@sol.doi.gov>
Cc: Lena McDowall <Lena_McDowall@nps.gov>
Subject: **Re: Draft Letter to Kevin Garden re Adequacy of Notice to Pisgah Inn**

Lena and Barry:

Attached is the version of the letter to Garden with my edits to Barry's edits. Barry advised me that the Director's determination was not signed until after 6 on Tuesday, so presumably the Concessioner never received it (although it was not required to).

Lena: Barry also advised that Shawn Benge and Steve Stinnett be copied on the letter.

Melissa Lackey

Attorney Advisor
U. S. Department of the Interior, Office of the Solicitor
1849 C Street NW, Room 5323
Mail Stop 5311
Washington, DC 20240

Phone: 202 513-0733 Fax: 202 208-3877

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responsible for delivery of this e-mail to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this e-mail or its contents is strictly prohibited. If you received this e-mail in error, please notify the sender immediately and destroy all copies.

On Fri, Oct 4, 2013 at 3:19 PM, Roth, Barry <barry.roth@sol.doi.gov> wrote:
My thoughts on the draft, and that we weren't required to and did not provide a copy of the Director's notice with the email.

Barry N. Roth
Associate Solicitor
Division of Parks & Wildlife
202-208-4344
Fax: 202-208-3877
Barry.Roth@sol.doi.gov

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On Fri, Oct 4, 2013 at 2:59 PM, Lackey, Melissa <melissa.lackey@sol.doi.gov> wrote:
Lena:

Attached is a draft (incorporating some of your text from the Cliff House letter). The emails I received don't include a copy of what I presume Kathy Tustanowski sent with the formal Notice attached (the email from her to Bruce O'Connell of Pisgah Inn refers to the Phase 2 closure).



Melissa Lackey
Attorney Advisor

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1849 C Street NW, Room 5323
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Phone: 202 513-0733 Fax: 202 208-3877

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(on National Park Service letterhead)

Via email and U.S. Mail

Mr. Kevin R. Garden
The Garden Law Firm, P.C.
901 N. Pitt Street, Suite 905
Alexandria, VA 22314

and

kevin@gardenlawfirm.com

Re: Concession Contract BLRI003-04

Dear Mr. Garden:

We are writing in response to your email of October 4, 2013 to Steve Stinnett, Chief Ranger of Blue Ridge Parkway, concerning the adequacy of notice to your client, Parkway Inn, Inc., d/b/a Pisgah Inn, to cease doing business in connection with the government shutdown.

(b) (5)



Yours truly,

Lena McDowall
Associate Director, Business Operations

cc: Mr. Bruce O'Connell

Young, Deirdre R

From: Benge, Shawn <shawn_benge@nps.gov>
Sent: Friday, October 04, 2013 11:42 AM
To: Kimball, Dan
Cc: Allen Etheridge; William Reynolds; David Horne
Subject: Re: National Park Closures

The answer is of course is no. Others have tried. SD has offered to run Mt Rushmore. I will send you a copy of the Director's response to the Gov. Will serve as good talking points if you need them.

On Fri, Oct 4, 2013 at 11:39 AM, Kimball, Dan <dan_kimball@nps.gov> wrote:
Shawn: pls see the inquiry below re a possible donation to the Park to cover LE Rangers so FL Bay could be open for fishing I believe I I know the answer but what's the definitive answer from an NPS policy standpoint? Pls advise. Thanks, Dan

PS FYI -- -- per the last sentence of the inquiry below, the Herman Lucerne Foundation was planning on dropping off a check this week for \$12.5K to support our channel marking activities... glad they're still good for it! DBK

----- Forwarded message -----

From: Lloyd Wruble <(b) (6)>
Date: Thu, Oct 3, 2013 at 6:25 PM
Subject: RE: National Park Closures
To: "Kimball, Dan" <dan_kimball@nps.gov>
Cc: RICHARD TROTTA <rsnookman@me.com>, steve@afishingguide.com

Hi Dan,

Thanks for your response. I got an interesting call from one of our Herman Lucerne guides. As you are well aware their livelihood is for the most part dependent on their ability to fish the Park. I guess they are in the same boat with the 800,000 or so government employees without themselves actually working for the government. He saw an article where the GOP is paying for security guards at the Veterans Memorial in Washington to allow it to be open and was wondering what it would take to allow access to Florida bay. I imagine that the costs are way out of our league, but I told him I would ask the question and try to elicit a response. I understand you are a very busy guy right now, and appreciate your consideration regarding this query. Let us hope this situation will be over sooner than later, although I am not too optimistic this time like as was at the time of the last closure. With this closure, when am I able to deliver the check that was committed and earmarked for the repair of the navigation markers in Florida Bay.

Thank you Dan.

From: Kimball, Dan [mailto:dan_kimball@nps.gov]
Sent: Thursday, October 03, 2013 1:10 PM

To: lloyd wruble; Andy Newman
Subject: Fwd: National Park Closures

Lloyd/Andy: pls see the msgs below from Bill Kelly and me re fishing in the Park under the current shutdown. Hopefully this will answer your questions. If not, please call me at 305-242-7712. Thanks, Dan

----- Forwarded message -----

From: **Bill Kelly (b) (6)**
Date: Wed, Oct 2, 2013 at 4:03 PM
Subject: National Park Closures
To: Bill Kelly (b) (6)

To All Concerned:

The current government shutdown is having significant impacts on all marine user groups in Monroe County and the surrounding area. While most of it affects for-hire and recreational fishermen operating within the park boundaries of Everglades National Park and Fort Jefferson National Park, there are instances where the commercial industry may also be impacted. The biggest areas of concern are:

- 1- While you have the right to transit through park waters to your final destinations, anchoring and fishing within the park boundaries are prohibited until further notice. Avoiding navigating through park waters is highly recommended, especially if alternate routes are available.
- 2- The only exception would be to seek safe haven from storms or for other emergency purposes. All other activities are prohibited until further notice.

Park rangers have been advised to approach any vessels within park boundaries with an educational and informative message to explain the closures and the affected areas. We are working with Parks Supt. Dan Kimball and U.S. Rep. Joe Garcia to remedy these issues. However, it will take congressional action to re-open the parks and, as we all know, Congress is not seeing eye-to-eye on these matters. Your cooperation is greatly appreciated.

If you have any questions, please feel free to call or e-mail me.

Best,

Bill

Commercial Use Authorization Permit Holders:

We previously contacted you regarding the possibility of a government shutdown which would close the park to all users, both commercial operators and recreational visitors. Unfortunately, this has now become a reality.

Effective at 6 PM on October 1, 2013, both Everglades and Dry Tortugas National Parks will be closed. While our law enforcement rangers will remain on duty, all other administrative activities and visitor services will be discontinued until the shutdown has been lifted.

If you have a trip planned for October 1st, you must conclude your business within the park by 6 PM. After today, you may not offer any services within the park's boundaries until further notice.

We regret the burden that this will place on your livelihood. We will notify you when the park is reopened.

The point of contact for information during this time period is Superintendent Dan Kimball (email: Dan_Kimball@nps.gov).

Thank you for your cooperation in regard to this matter.

Superintendent, Everglades and Dry Tortugas National Parks

40001 SR 9336

Homestead, FL 33034-6733

305-242-7710

FAX - 305-242-7711

--

Dan B. Kimball, Superintendent

Everglades & Dry Tortugas National Parks &

Marjory Stoneman Douglas Wilderness

National Park Service, US Department of the Interior

40001 State Road 9336

Homestead, FL 33034-6733

Office: 305-242-7712; Cell: 305-322-6311

FAX 305-242-7711; dan_kimball@nps.gov

Capt. Bill Kelly, Executive Director

Florida Keys Commercial Fishermen's Association

PO Box 501404

Marathon, Florida 33050

305-619-0039 C

305-743-0294 F

FKCFA1@hotmail.com

www.FKCFA.org

--

Dan B. Kimball, Superintendent
Everglades & Dry Tortugas National Parks &
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National Park Service, US Department of the Interior
40001 State Road 9336
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Office: 305-242-7712; Cell: 305-322-6311
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Everglades National Park was designated as a World
Heritage Site in 1979; an International Biosphere Reserve
in 1976; & a Wetland of International Importance in 1987;
Everglades & Dry Tortugas National Parks were designated
as Specially Protected Areas under the Cartagena Convention in 2012.

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Shawn Bengé

Deputy Regional Director
Southeast Region
National Park Service
Office: 404 507 5605
Cell: 404 272 7253

Young, Deirdre R

From: Kimball, Dan <dan_kimball@nps.gov>
Sent: Friday, October 04, 2013 11:39 AM
To: Shawn Benge
Cc: Allen Etheridge
Subject: Fwd: National Park Closures

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Superintendent, Everglades and Dry Tortugas National Parks

40001 SR 9336

Homestead, FL 33034-6733

305-242-7710

FAX - 305-242-7711

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Dan B. Kimball, Superintendent

Everglades & Dry Tortugas National Parks &

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 Marjory Stoneman Douglas Wilderness
 National Park Service, US Department of the Interior
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Young, Deirdre R

From: Benge, Shawn <shawn_benge@nps.gov>
Sent: Friday, October 04, 2013 11:19 AM
To: Lena McDowall
Subject: Fwd: Pisgah Inn

Per our discussion.

----- Forwarded message -----

From: **Stinnett, Steve** <steve_stinnett@nps.gov>
Date: Fri, Oct 4, 2013 at 11:08 AM
Subject: Fwd: Pisgah Inn
To: Shawn Benge <shawn_benge@nps.gov>, David Horne <david_horne@nps.gov>

I need guidance form Concessions and Solicitor on this.

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
199 Hemphill Knob Rd
Asheville, NC 28803
828/348-3426 (O)
828/271-4118 (F)
828/273-6215 (C)

The National Park Service cares for special places saved by the American people so that all may experience our heritage.

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----- Forwarded message -----

From: **Kevin Garden** <kevin@gardenlawfirm.com>
Date: Fri, Oct 4, 2013 at 10:58 AM
Subject: Pisgah Inn
To: steve_stinnett@nps.gov
Cc: BOconn8876@aol.com, "Newman, Philip" <Philip.Newman@mail.house.gov>, "Elliott, Beverly" <Beverly.Elliott@mail.house.gov>

Mr. Stinnett-

I am contacting you on behalf of the Pisgah Inn in an effort to determine the legal validity of the apparent direction to the Pisgah Inn to close its operations. The Pisgah Inn has not received any written notification from the Superintendent or his

authorized representative to close its operations. Nor has the Pisgah Inn received any copy of any closure order, pursuant to 36 C.F.R. § 1.5, which states that its operations are to be closed.

The only purported direction it has received is an email from you, passing on an email from an NPS employee. However, this does not appear to constitute a decision by the Superintendent or his properly delegated representative.

Under its contract, the Pisgah Inn is legally required to operate unless it has been properly directed not to do so. Thus, unless the Pisgah Inn confirms that it has been properly directed to close down, it risks being in breach of its contract if it does in fact close down. Moreover, the Pisgah Inn takes the risk of incorrectly assuming that government employees who give it directions are in fact legally authorized to do so, and the Pisgah Inn has a legal obligation to verify that any direction from a government employee is in fact authorized.

Please provide me with the alleged authorization that requires the Pisgah Inn to close so that we can review it in order to determine whether Pisgah Inn is at risk of breaching its contract if it fact closes.

Best regards,

Kevin Garden

Kevin R. Garden, Esq.

THE GARDEN LAW FIRM, P.C.

901 N. Pitt Street, Suite 325

Alexandria, VA 22314

Tel: 703.535.5565 Fax: 703.997.1330

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--

Shawn Benge

Deputy Regional Director

Southeast Region

National Park Service

Office: 404 507 5605

Cell: 404 272 7253

Young, Deirdre R

From: Stinnett, Steve <steve_stinnett@nps.gov>
Sent: Friday, October 04, 2013 11:08 AM
To: Shawn Bengel; David Horne
Subject: Fwd: Pisgah Inn

I need guidance form Concessions and Solicitor on this.

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
199 Hemphill Knob Rd
Asheville, NC 28803
828/348-3426 (O)
828/271-4118 (F)
828/273-6215 (C)

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Kevin Garden

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Young, Deirdre R

From: Reynolds, William <william_f_reynolds@nps.gov>
Sent: Thursday, October 03, 2013 3:09 PM
To: Waldron, Suzanne
Cc: Shawn Benge; Mike Litterst; Mark Woods; Steve Stinnett; David Horne
Subject: Re: Pisgah Inn
Attachments: BLRI - Pisgah Inn Tlk Pts - 100313 rev.docx

Revised final draft, based on input from Steve and Shawn.

On Thu, Oct 3, 2013 at 2:31 PM, Waldron, Suzanne <sue_waldron@nps.gov> wrote:
per earlier message - didnt even look as it appeared that the criss was over...if not - let em know and will put it back in the stack to triage

On Thu, Oct 3, 2013 at 2:15 PM, William Reynolds <william_f_reynolds@nps.gov> wrote:
We will handle it. On a conf call now. Will get clarity on current status and contact her.

Were you okay with the talking points?

From: Waldron, Suzanne [mailto:sue_waldron@nps.gov]
Sent: Thursday, October 03, 2013 09:55 AM
To: Karen Cucurullo <karen_cucurullo@nps.gov>; William Reynolds <william_f_reynolds@nps.gov>; Shawn Benge <shawn_benge@nps.gov>
Cc: Maureen Foster <maureen_foster@nps.gov>; Lena McDowall <Lena_McDowall@nps.gov>; Mike Litterst <Mike_Litterst@nps.gov>
Subject: Re: Pisgah Inn

bill - do you have point on this? or can you get this to who is?

On Thu, Oct 3, 2013 at 12:47 PM, Karen Cucurullo <karen_cucurullo@nps.gov> wrote:
I think someone else can better answer.

Sent from my iPhone

Begin forwarded message:

From: <Colleen.Jenkins@thomsonreuters.com>
Date: October 3, 2013, 11:22:52 AM EDT
To: <Karen_Cucurullo@nps.gov>
Subject: Pisgah Inn

Hi Karen,

I'm working on a story for Reuters about the Pisgah Inn in NC's Blue Ridge Mts choosing to stay open despite the government shutdown. Are you available to answer some questions regarding this matter? I can be reached at 727.331.4274.

Thanks!

Colleen

Colleen Jenkins
Correspondent, U.S. General News

Reuters

Thomson Reuters

Mobile: 727.331.4274
Colleen.Jenkins@thomsonreuters.com
www.reuters.com

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--

Sue Waldron
Assistant Director, Communications
National Park Service
(202) 208-3046
Visit us at www.nps.gov

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--

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EXPERIENCE YOUR AMERICA

--

William F. Reynolds
Assistant Regional Director
National Park Service Southeast Region
404-507-5612

Blue Ridge Parkway – Pisgah Inn
DRAFT Talking Points
October 3, 2013

(b) (5)

(b) (5)

DRAFT

Young, Deirdre R

From: Foster, Maureen <maureen_foster@nps.gov>
Sent: Tuesday, October 01, 2013 12:22 PM
To: Sue Waldron; Peggy O'Dell
Subject: Fwd: letter final, missing one attachment
Attachments: NPS Director letter shutdown FINAL.docx; NPS Shutdown sign FINAL 9.27.13 (2).pdf; NPS Shutdown Guidance Signage FINAL 9.27.13 (2).docx

Maureen D. Foster
Chief of Staff
National Park Service
1849 C Street, NW, Room 3114
Washington, DC 20240
202.208.5970 (direct)
202.208.3818 (main)

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saved by the American people,
so that all may experience our heritage.

----- Forwarded message -----

From: Sheaffer, Bruce <bruce_sheaffer@nps.gov>
Date: Tue, Oct 1, 2013 at 12:20 PM
Subject: letter final, missing one attachment
To: Jon Jarvis <Jon_Jarvis@nps.gov>, Maureen Foster <Maureen_Foster@nps.gov>, Robert Eaton <robert.eaton@sol.doi.gov>
Cc: Beverly Stephens <grace_stephens@nps.gov>

Here is the letter with Jon's edits -we need to attach to the email transmission three items: Sue's closure template and guidance (attached here) and the legal record of determination. Rob Eaton and Maureen Foster are reviewing the amended legal document now.

--
C. Bruce Sheaffer
Comptroller
National Park Service
202-208-4566
bruce_sheaffer@nps.gov

October 1, 2013

To: Directorate, HFC & DSC Managers
From: Director
Subject: Contingency Plan for Lapsed Appropriation
Attachments (4):

- Shutdown Instructions, Phases 1 & 2 (in memo)
- All Employee email sent from DOI on Monday, September 30, 2013 (in memo)
- NPS Closure Determination and Notice (attached separately)
- Template and Guidance for park closure signs (attached separately)

The government-wide shutdown due to the lapsing of appropriations is now upon us and we are proceeding with both Phase 1 and Phase 2 as of noon today. The continuing resolution that provided FY13 funding for NPS expired at midnight, September 30, 2013, and no FY14 spending bill or continuing resolution has yet been adopted by Congress.

Please refer to the all-employee memo sent out from DOI Assistant Secretary Rhea Suh on Monday, September 30th for guidance regarding individual scenarios, such as employees who are on scheduled leave or on travel status, and for specifics regarding payroll codes and processing. That memo is attached to this correspondence for your convenience. Further HR guidance has been distributed to your HR chiefs. A host of FAQs can also be found on the following Departmental website, which will remain live during the duration of a shutdown:
<http://www.doi.gov/shutdown>

Attached are procedures to execute an orderly shutdown of operations. The shutdown process will take place in two phases. Phase 1 includes all activities to identify excepted and non-excepted personnel, notify the public of the closure, and wind down operations to essential activities only. I am initiating Phase 2 at noon EDT today, October 1. All events and programs must be canceled until appropriations are available.

Each region and program has designated a communications coordinator and has begun to develop a plan for distributing important information to parks and program offices. All questions and information for the duration of the shutdown should be channeled through the designated communication coordinator. We will send a contact list shortly. In addition, employees should be encouraged to monitor media reports and the OPM website for information about the status of government operations.

Shutdown Instructions – Phases 1 and 2

Effective immediately, the National Park Service will take all necessary steps to close and secure national park facilities and grounds. Day use visitors will be instructed to leave the park immediately. Visitors utilizing overnight concession accommodations and campgrounds will be notified to make alternate arrangements and depart the park as part of Phase 2. Wherever possible, park roads will be closed and access will be denied. National and regional offices and support centers will be closed and secured, except where

they are needed to support excepted personnel. These steps will be enacted as quickly as possible while still ensuring visitor and employee safety as well as the integrity of park resources.

Please reference the NPS Closure Determination and Notice document, attached to this memo, as needed for compliance with regulations.

Phase 1 Shutdown Procedures:

Immediately take the following steps to shut down all activities not deemed essential that are funded by lapsing appropriation:

1. Confirm your previously identified personnel who are performing excepted activities. The Emergency Response Official designation on a Federal ID card is not necessarily a factor in determining excepted personnel. Rather, essential activities are defined as activities that are needed to:
 - a. Provide for actions necessary to suspend or stop work on projects currently underway, consistent with instructions i-iii below. That is, contracting and finance personnel necessary to perform these duties should remain until the activities can be suspended.
 - i. Contracting activity shutdown personnel must issue (in accordance with FAR procedures) Stop Work or Suspension of Work orders on, or Terminate for the Convenience of the Government, for contracts for goods or services that require oversight or support by personnel funded from lapsed appropriations and are not required to address emergencies involving human life, safety or protection of property. Cooperative agreements should also be suspended.
 - ii. Work on contracts that are not funded by a lapsing appropriation (such as the fiscal year 2014 continuing resolution), such as projects that are fully funded, may continue, provided government oversight and access to closed facilities is not necessary to facilitate performance during the shutdown. If government oversight is required and an excepted individual is available to provide that oversight the contract may continue during a shutdown provided the shutdown is relatively brief. Your contracting officers have received guidance on determining which contracts may continue. That guidance can be found on <http://www.doi.gov/shutdown>
 - iii. New contracts should not be initiated during a lapse period unless they are required to address emergencies involving human life, safety, or protection of property.
 - b. Conduct essential activities to the extent that they protect life and property, including:
 - i. Emergency medical care;

- ii. Activities essential to ensure continued public health and safety, including safe use of food and drugs and safe use of hazardous materials, garbage collection, drinking water, sewage treatment operation;
- iii. Direct management of projects obligated from funds that are not subject to lapse, such as multi-year appropriations from prior fiscal years. People not DIRECTLY involved in project management or necessary contracting actions and payments for these projects will not be considered excepted or continue to work.
- iv. Border and coastal protection and surveillance;
- v. Protection of federal lands, buildings, waterways, equipment, and other property owned within the National Park System;
- vi. Law enforcement and disaster assistance;
- vii. Activities that ensure production of power and maintenance of the power distribution system;
- viii. Activities necessary to maintain protection of research property;
- ix. Essential or time-sensitive support services for employees;
 - x. Uninterrupted command, control, and policy leadership;
 - xi. Maintenance of IT systems (including contracted support) critical to activities being carried out by excepted personnel (e.g., radio communication, e-mail, accounting systems, etc.);
 - xii. FY 13 year-end financial management activities; and
 - xiii. Communication with employees and the public.

NOTE: Staffing will be held to the very minimum for the performance of essential functions. This will ordinarily be only law enforcement personnel, at a staffing level that allows for reactive emergency response commensurate with levels of park operations under the shutdown. Wildland fire personnel required for active fires or for monitoring areas currently under a fire watch will remain on duty. However, in certain instances maintenance and IT personnel may be required for systems that normally require 24 hour monitoring or periodic maintenance, without which the system would shut down. Emergency responders, including Fire Management, EMS, and Law Enforcement personnel, not required for essential activities will be placed on furlough but may be called back to duty if an emergency situation arises.

2. Prepare and issue personnel furlough papers for an indefinite period for all non-excepted employees not needed for closedown operations. Non-permanent employees are to be placed in non-pay status for an indefinite period. Take all necessary actions to assure that employees are accorded all due personnel rights. Consult Human Resources and labor relations contacts for appropriate steps.
3. Process payroll for abbreviated pay period.
4. Through appropriate media, notify public of closing of all national parks. Press release templates are being distributed to the parks and program offices.

5. All U.S. Government property and facilities that can be locked or secured must be, including parking lots, comfort stations, tour roads, visitor contact facilities, fee collection facilities. Any one visiting must be directed to leave the park.
6. All day-use, concession-operated visitor services and facilities are to be closed immediately; Concession operations with overnight accommodations will be allowed to remain open until notified under phase 2, below. Exceptions may be granted by park superintendents, but only if a facility is deemed essential for health or safety purposes or is needed to support ongoing, essential park operations.
7. Services offered via commercial use authorizations, whether originating within or outside of park boundaries, are also to cease operations within the park.
8. Outfitter and guide concessioner and CUAs should not commence new trips after a shutdown has been initiated.
9. Access to leased facilities is permitted. However, no recreational uses outside of the inholding/leased facility on park lands are to be permitted.
10. Parks having “thru” road systems should not attempt to close these roadways. Signs should be posted that no visitor services will be available in the park.
11. “Special Events” involving park service personnel either as participants or in crowd control must be cancelled. A special provision has been made for first amendment activities in the National Mall and Memorial Parks and areas administered by the NPS Liaison to the White House in Washington D.C., and Independence National Historic Park in Philadelphia, PA. Please refer to the NPS Closure Determination and Notice, attached to this memo transmission, for the legal record of determination. As always, law enforcement action will be taken in cases where there is a violation of NPS regulations, including if it reasonably appears that the demonstration presents a clear and present danger to the public safety, good order, or health. This includes demonstrations that either qualify under the NPS small-group permit exception or demonstrations that have submitted an application, either before or after the shutdown that were not denied.
12. Only staff involved in excepted or phasedown activities may be on duty. Other employees may not volunteer their time. This rule applies regardless of the type of appointment or funding source of the employee. Cease all volunteer programs and release all volunteers from their duties.
13. Every organization should maintain a list of excepted employees, along with justification for each employee’s designation as excepted. Each organization should also keep meticulous records regarding time employees spend on shutdown activities during the first few days, so that the time can be logged at a later date. Further, if the shutdown continues, the list of employees in furlough status may change. Excepted employees may transition to furlough status, and employees on furlough may be called back as the need arises. You do not need to continuously apprise WASO of each change in status. Rather,

please keep careful records so that we can respond to OMB and DOI after the shutdown ends.

14. Cancel all travel and scheduled meetings.

Phase 2 Shutdown Procedures:

I am initiating Phase 2 activities to begin today, October 1, at 12pm EDT. It will be necessary to take the following additional steps.

1. Begin securing files and documents for transfer to Federal Records Center.
2. Specific instructions will be issued for establishing accounts for capturing costs during this period. For now, charge to your normal accounts.
3. Place signs in park areas to advise visitors about park closing and hazards of the area. Place barriers to prevent visitors from entering park. A template for the appropriate wording of the signs is attached to this memo transmission.

All parks should be in the mode of conducting no mission-related work, performing only the excepted activities listed above. Use caution and good judgment in taking any of the above listed actions.

Concession and Campsite Closedown Procedures (Phase 2):

All parks should take the following steps to secure park facilities and shut down concession and campsite operations while ensuring the safety of park visitors:

1. Visitors in all overnight accommodations and campgrounds are to be given 48 hours, starting from 6pm EDT today, October 1, to make other arrangements and leave the park. This applies to visitors in both NPS and concession-operated facilities. Concessioners may begin notifying visitors at noon, but the 48 hour clock begins at 6pm. All overnight visitors must leave the park no later than 6pm EDT Thursday, October 3.
2. Visitors on outfitter or guided trips in the back country or on a secluded river that have already departed at the start of the shutdown will be allowed to complete their trip unless there is a practical and safe way to end the excursion and leave the park.
3. Concession employees who normally live in the park may remain in the park. Concessioners may continue to provide meals and accommodations for those employees. However, no recreational uses outside of the assigned area on park lands are to be permitted.
4. Access to privately owned boats is permitted, but use for recreational purposes within the park boundary is not allowed.

5. Access to leased facilities is permitted. However, no recreational uses outside of the inholding/leased facility on park lands are allowed.

Park superintendents should notify concessioners of these procedures and the potential implementation timeline immediately.

Deputy Director O'Dell, Comptroller Bruce Sheaffer and a few others will remain in Washington during this closure and are available for specific questions. I anticipate we will receive many questions and a variety of offers from other agencies and organizations to cover our costs and re-open parks, memorials, trails, roads, or other facilities. Such overtures are to be respectfully rejected. In accordance with Title 16 of the US Code, the National Park System is to be managed for the common benefit of all the people of the United States, and is funded by federal appropriations to achieve this responsibility. Therefore it will not be appropriate to open some parks or some parts of parks with non-appropriated or non-federal funding while other parts of the National Park System remain closed.

I know this creates a great deal of frustration and challenges to our employees, mission, partners and visitors. We will get through this.

Attachment 2 – All-Employee Memo issued from DOI Assistant Secretary Rhea Suh Monday 9/30/2012

TO: All Department of the Interior Employees

FROM: Rhea Suh, Assistant Secretary for Policy, Management and Budget

SUBJECT: Guidance Concerning Efforts To Plan For A Potential Lapse In Appropriations

I want to provide you with important information and guidance concerning efforts to plan for and address a potential lapse of appropriations and government shutdown on Tuesday, October 1, 2013.

While the Administration believes that a lapse in funding should not occur, we have a responsibility to the public and to our employees to do everything possible to prepare for a potential shutdown.

These are challenging times – and we understand that these circumstances are challenging to you and your family. A lapse in government activities could impose hardships on you, your families, and the people we serve. We hope that Congress acts quickly to prevent a shutdown and pass a continuing resolution. In the meantime, we want you to know that we are doing everything we can to prepare for a potential shutdown. We will provide you with as much information as possible.

The information, guidance and resources outlined below cover the most important information that you will need to know over these next few days. I encourage you to read it, to print out the Shutdown Checklist for Furloughed Employees, and to make note of telephone numbers you can call and websites you can visit to help keep you updated on the latest information.

Employee Status during a Funding Lapse

If a shutdown occurs, most of our agency's staff will be furloughed. This is not a reflection on the value or importance of our employees' work.

A limited number of employees will be designated as "exempt" or "excepted." Employees who fall into these specialized categories have been apprised of their designation. Exempt employees will continue to work because they are funded from non-lapsing appropriations. Excepted employees will continue to work, despite lapsing appropriations, in order to protect life and property.

A set of general questions and answers can be found on <http://www.doi.gov/shutdown>

Shutdown Notification

If there is a lapse in appropriations on Tuesday, October 1, 2013 and we have direction to proceed with shutdown, the following applies:

Employees should report to work at their normal time and will be given up to four hours to conduct shut down activities. Within the four hour timeframe, an employee should complete their timesheet, work with their supervisor to secure property and files, receive a furlough letter and acknowledge receipt, and conduct other activities as directed. Supervisors may make other arrangements with employees in order to accomplish these shutdown activities through other means, such as teleworking. Employees should report to work unless they have received different direction from their supervisors. Some employees will be given additional time for shutdown activities that will extend beyond the 4 hours. Your supervisor will inform you if you are one of these individuals that is needed to help with these extended shutdown efforts.

A set of human resources questions and answers can be found on <http://www.doi.gov/shutdown>

Shutdown Activities

All employees will be required to complete a series of shutdown activities. Employees must use their time for shutdown activities only, not to work on any non-shutdown projects, tasks, activities or respond to emails. Shutdown activities include:

- Accessing your email.
- Reading your furlough notice and affirming to your supervisor that you did receive it.
- Changing your voicemail message to indicate you will be out of the office for an unspecified time.
- Changing and enabling your email “out of office” message.
- Securing your work documents appropriately.
- Completing your time card.
- Securing your work station and securing government property.

A checklist of shutdown activities with additional guidance is included at the end of this message.

Telework

Employees who have been approved to telework on Tuesday, October 1 should complete as many shutdown activities as possible (please see attached checklist) before they leave work on Monday, September 30, including completing their timecards, so that on Tuesday, October 1, their responsibilities will be to read their furlough email notification and affirm to their supervisor that they did receive it.

Time and Attendance

In the event of a government shutdown, employees should record their actual hours for the current pay period, 2013-21, as you normally would for the time period September 22-30, 2013.

- For employees who are not exempt or excepted and would be furloughed – record the balance of the pay period, October 1-5, against the Furlough pay code (pay code 103). Employees should keep track of hours spent on shutdown activities. Amended time sheets will be completed after operations resume.
- For excepted employees who will remain on duty to protect life and property - record the balance of the pay period, October 1-5, against the Furlough pay code (pay code 103). Excepted employees should keep track of their time outside of the system.
- For employees who are exempt and will continue to work because they are paid from non-lapsing appropriations – report all hours worked as you normally would.

A set of questions and answers on this are at the end of this document.

Employee Pay

October 1, 2013 is a regular payday covering the pay period ending Saturday, September 21, 2013. Employees will be paid on schedule for their hours worked during that pay period. If a shutdown occurs, all employees can expect to be paid on Tuesday, October 15, 2013 for hours worked from September 22, 2013 through September 30, 2013.

All employees will be paid for actual time spent conducting shutdown activities (for most employees this will be no more than 4 hours) after the Congress enacts an appropriation or a continuing resolution.

During the shutdown, exempt employees will be paid for actual hours worked in subsequent pay periods every two weeks. Excepted employees will be paid for actual hours worked during the shutdown upon the next regular payday following passage of a funding bill. Congress will determine if furloughed employees will be paid subsequent to enactment of an appropriation or continuing resolution.

Use of Electronic Equipment

Please keep in mind that employees are prohibited from working while furloughed, including using agency owned computers, mobile devices, and using remote access service to access email or other applications. You should turn off all devices and secure and store government equipment.

Leave

If you have been previously approved to take leave on Tuesday, October 1, and there is a shutdown, your leave will be cancelled. You are expected to report to your duty station unless

you have made alternative arrangements with your supervisor. If there is no shutdown or the government reopens and you had pre-existing leave plans, you should contact your supervisor to ensure your leave approval is still in place or if you are needed to return to work.

Travel

All employees should refrain from beginning official travel leading up to a possible shutdown and should not be traveling during the shutdown, with certain exclusions.

- Exempt employees who are funded through non-lapsing appropriations may travel with the appropriate approvals from their supervisor.
- Excepted employees who need to travel to protect life and property should do so with the approval of their supervisor. If there is a shutdown, please check with your supervisor to find out if you should immediately return to your duty station or remain in travel status.
- Employees who would be furloughed and are on travel when the shutdown occurs, must return to their duty station as soon as possible.
- Employees assigned overseas are not considered to be in travel status because their overseas location is considered their permanent station.
- Employees on extended TDY travel where a detail personnel action (SF52) was issued and funded should not return to their home location unless instructed by their supervisor.

A set of travel questions and answers can be found on <http://www.doi.gov/shutdown>

Access to Buildings and Facilities

The Main Interior Building (MIB) and South Interior Building (SIB) will be closed to the public throughout the shutdown, although employees who are exempt or excepted will have access. Employees that are furloughed will be able to access the credit union and should check-in at the guard desk

The cafeteria in MIB will be closed. The snack bars in MIB and SIB will be open.

All ramps to the MIB garage will be open on October 1, 2013. Commencing October 2, 2013, only Ramps A and D will be open in MIB.

Parking will be available during the shutdown for those employees that have parking permits for MIB, SIB and the Federal Reserve if they are exempt or excepted.

Transit Subsidy

The transit subsidy has already been loaded onto the electronic media and will be available to employees on October 1, 2013. Employees are authorized to use the subsidy for October 1, 2013 and excepted and exempt employees can use the subsidy during the duration of the shutdown. On call staff can use the subsidy if they are called back to work.

All unused subsidy media will be swept back by DOT at the end of the month.

Agency Services

In October 1, 2013, the shuttles to MIB are expected to be operating. During a government shutdown, after October 1, there will be no shuttle services to MIB and SIB. During the shutdown there will be limited custodial and mail service and the health unit and fitness center will be closed. The MIB child day care center will be closed throughout the duration of the shutdown.

Information Resources

There are a number of resources available where you can get further shutdown information and status updates. Shutdown information can be found on <http://www.doi.gov/shutdown>

In addition, furlough guidance can also be found at the Office of Personnel Management website at www.opm.gov/furlough. You are also encouraged to listen to the news media to obtain information on the status of government funding and whether a shutdown is necessary.

Shutdown Checklist for Furloughed Employees

- Meet with your supervisor to obtain additional necessary details and guidelines about shutdown procedures.
- Provide information about where your supervisor can reach you in the event the government reopens – home phone, personal cell phone, relative phone, etc.
- Access your email and read your furlough notice and affirm to your supervisor that you have received it. Instructions can be found at <http://googl/tNIPRt>.
- Change your voicemail message. Suggested language for employee voicemail:

“I am out of the office for the duration of the government shutdown. I will not be checking messages, but will return your call upon my return to the office.”
- Change and enable your email “out of office” message. Suggested message:

“I am out of the office for the duration of the government shutdown. I will not be checking messages, but will return your email upon my return to the office.”
- Secure your work documents appropriately so they are not left out in the open.

- Turn off and put away devices, phones, laptops, etc. for safekeeping.
- Throw out any perishable food.
- Remove or store any personal items for safekeeping.
- Complete your time card
- Turn off the lights and lock the door when you leave (presuming there are no other occupants in the office).

FAQ'S FOR ENTRY OF TIME & ATTENDANCE DURING GOVERNMENT SHUTDOWN

SEPTEMBER 27, 2013

1. I have received notice that I will be furloughed (not excepted) during the government shutdown. How do I enter my time and attendance?

For the current pay period, 2013-21, *through September 30*, report all hours worked, leave taken, etc., as you normally would (only for September 22-30).

The remainder of the October 1-5 period should be recorded against the Furlough pay code (pay code 103). Employees should keep track of the time they spent on shutdown activities. Amended timesheets will be completed after government operations resume to reflect actual time spent on shutdown activities.

2. I have received notice that I have been excepted from the furlough. How do I enter my T&A?

For the current pay period, 2013-21, *through September 30*, report all hours worked, leave taken, etc., as you normally would (for September 22-30).

For the balance of the pay period (October 1-5), hours should be recorded against the Furlough pay code.

Excepted personnel should keep track off-line the hours worked for later submission of an amended timesheet when Congress enacts an appropriation bill.

3. I have received notice that I am exempt from the furlough. How do I enter my T&A?

Exempt personnel are funded by a non-lapsing appropriation, and therefore you report all hours worked or leave taken as you normally would.

4. What if I am furloughed, but it's only for a few days?

If Congress enacts an appropriation bill and an employee Returns to Duty anytime between October 1 – October 5, 2013 (in pay period 2013-21), timesheets would need to be “unverified” to allow for update for actual hours worked and/or furlough hours. Normal T&A processing procedures would then be followed.

5. What if the furlough lasts longer than this pay period, 2013-21, which ends on October 5?

Exempt employees will continue to record their actual time worked.

For excepted personnel, hours should continue to be recorded against the pay code 103 (furlough hours). Excepted personnel should continue to keep track off-line the hours worked for later submission of an amended timesheet when Congress enacts an appropriation bill.

IBC will assume that timesheets not submitted by October 23 (for the pay period ending October 20), should be charged to pay code 103 (furlough hours).



**Because of the federal
government shutdown, this
National Park Service
facility is closed.**

National Park Service



Shutdown Guidance: Signage

The following message will be posted at all parks and facilities (attached as a sign).

- Because of the federal government shutdown, this National Park Service facility is closed.

Source: WASO Communications

Updated September 27, 2013

Young, Deirdre R

From: Olson, Jeffrey <jeffrey_olson@nps.gov>
Sent: Wednesday, October 23, 2013 4:22 PM
To: Penny Starr
Cc: Sue Waldron
Subject: Re: Following up -- media inquiry from CNSNews.com

Penny,

I've read your questions from the emails and visited with our communications director who was here during the shutdown. Director Jarvis covered each of your questions during the hearing. And yes, Director Jarvis stands by his testimony.

On Wed, Oct 23, 2013 at 4:06 PM, Penny Starr <pstarr@cnsnews.com> wrote:
Hi Jeffrey,

Following up on the emailed questions I sent to you yesterday. In addition to the questions below, I want to clarify #4 because Ms. Eberly said that she was told that she, staff and members of Congress would be arrested if they held a press conference at Claude Moore Colonial Farm.

Alex Romero, NPS acting supervisor for George Washington Memorial Parkway, is the individual who told Eberly about the potential arrests.

She did not know anything about a press conference and none was held.

I hope this helps you in responded asap to my inquiry, which you said you hoped would be close of business today.

I have another assignment I am going to now but will be monitoring my email.

Thanks again.

Penny

Thanks

On Tue, Oct 22, 2013 at 2:40 PM, Olson, Jeffrey <jeffrey_olson@nps.gov> wrote:

Thanks for your inquiry Penny. As I was on furlough during the shutdown, and Mr. Litterst is on leave for a few days, it will take some time and research to answer your questions. Hopefully I can answer them before close of business tomorrow.

On Tue, Oct 22, 2013 at 1:59 PM, Penny Starr <pstarr@cnsnews.com> wrote:
Hello Jeffrey,

I spoke with your colleague Mike Litterst last week about Independence Hall in Philadelphia during the partial government shutdown.

But now I am reporting on various other elements of the shutdown, specifically claims by individuals -- two of which testified under oath on a panel with Mr. Jonathan Jarvis on Oct. 16 -- about policies at NPS that did not

allow some sites to be reopened even though the groups operating them had the funding and personnel to do so. Also, according to one witness, these policies included threats.

Below I will provide the salient quotes from two witnesses' prepared testimony.

I am providing NPS the opportunity to respond to these claims. Also, I am including an on-the-record quote from the president of Independence Visitor Center in Philadelphia to, again, give NPS the opportunity to respond to his remarks. I interviewed him last week.

Thank you in advance for your response and my deadline is 4 p.m.

Link to testimony of Anna Eberly, managing director of the Claude Moore Colonial Farm:

<http://oversight.house.gov/wp-content/uploads/2013/10/Eberly-CMC-Farm-Statement-NPS-Shutdown-10-161.pdf>

Ms. Eberly said that the Farm had never been included in previous shutdowns (she has been there for 32 years) and that on Oct. 1 NPS personnel forced the farm to close and "visitors were escorted from the property by armed Park Police." On Oct. 8, NPS told Ms. Eberly that she was not allowed to hold a press conference with Congress members "or they would be forced to arrest all of us."

Link to the testimony of Greg Bryan, mayor of Tusayan, Arizona: <http://oversight.house.gov/wp-content/uploads/2013/10/Bryan-Tusayan-Statement-NPS-Shutdown-10-161.pdf>

Mr. Bryan testified that NPS closed off parking area along U.S. Highway 64 and after buses and cars tried to park along the road to view the Grand Canyon -- because parking areas were blocked -- a 51-stretch of road was closed "safety concerns."

Mr. Bryan said that if the parking areas were not blocked off there would not have been a safety problem.

"We believe the road closing decision was not necessary and was the final nail in our community's industry coffin."

Despite raising \$400,000 from private sources to reopen the highway and park Bryan and others were told that the park and highway could not be reopened unless all 401 parks were reopened. They were told by NPS that there were "policies barring the use of third party funds to reopen a park" even though it was done in 1995/6 and subsequently during this shutdown in the case of the Grand Canyon and others.

I personally interviewed James Cuorato, president of the Independence Visitor Center. He said he "pleaded" with NPS and told them he had enough funding to reopen the center and run it until the end of the year.

"They turned that down," Cuorato said.

In other words, these individuals claim that the NPS resisted any effort to reopen parks and other historic sites even if state, local and individuals could provide the money and necessary services.

In his testimony, Mr. Jarvis said: "This closure did not apply to through roads in parks that provided primary access between points outside of the parks."

Jarvis also said when asked by a committee member about whether he was concerned about "the impact of shutdown on business and communities surrounding the national parks?"

Jarvis: "Yes, sir. I'm very concerned about that. It was immediately upon the closure we opened the line of communication with our concessioners in particular."

And: "There's nothing more on this planet that we would prefer to do than to get to work and reopen all 401 national parks."

Questions:

1. Why did NPS reject the offer from the Independence Visitor Center to open and operate with private funding?
2. Why did NPS shut down Claude Moore Colonial Park?
3. Why did NPS reopen CMCP?
4. Why was Ms. Eberly told she and others could be arrested if they held a press conference?
5. Does Mr. Jarvis stand by his remarks at the hearing?

Thanks so much and I look forward to your response.

Penny Starr
Senior Staff Writer
CNS News
Office: [\(571\) 267-3490](tel:5712673490)
Cell: [\(843\) 263-9639](tel:8432639639)

--

Jeffrey G. Olson
Chief Spokesman (acting)
National Park Service
1849 C Street NW
Washington, DC 20240
Office direct: [202-208-4988](tel:2022084988)
Cell/Blackberry: [202-230-2088](tel:2022302088)
www.nps.gov

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Penny Starr
Senior Staff Writer
CNS News
Office: (571) 267-3490
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Cell/Blackberry: 202-230-2088
www.nps.gov

Young, Deirdre R

From: Androff, Blake <blake_androff@ios.doi.gov>
Sent: Friday, October 11, 2013 8:30 PM
To: Boling, Edward
Cc: Kelly, Katherine; Waldron, Suzanne; mike litterst; Nicole Buffa; Kevin Haugrud
Subject: Re: Ted says DOJ has edits to Pisgah
Attachments: Proposed DOI Statement.doj comments.docx

Ted -

Attached is the last thing I saw on an if asked statement re: concessions but you said there were still some SOL issues to work out. Can you let us know where that stands?

On Thu, Oct 10, 2013 at 3:29 PM, Boling, Edward <ted.boling@sol.doi.gov> wrote:
Attached are the edits and comments. Keep this close. There are a next of issues that you should not attempt to work through - SOL will handle.

For present purposes, DOJ would be fine with this statement:

(b) (5)



How's that?

Ted Boling
Deputy Solicitor -- Parks & Wildlife
U.S Department of the Interior
1849 C Street NW
Washington, DC 20240
202-208-4423 (main)
202-208-3125 (direct)
202-208-5584 (fax)
Ted.Boling@sol.doi.gov

On Thu, Oct 10, 2013 at 3:23 PM, Kelly, Katherine <kate_kelly@ios.doi.gov> wrote:
if you've already shared with people - that's fine. Ted - pls share the edits asap

On Thu, Oct 10, 2013 at 3:22 PM, Waldron, Suzanne <sue_waldron@nps.gov> wrote:
hold on the statement????

On Thu, Oct 10, 2013 at 2:30 PM, Kelly, Katherine <kate_kelly@ios.doi.gov> wrote:

Please hold til we get those back.

--

Kate Kelly
Director of Communications
Department of the Interior
(202) 208 2409
kate_kelly@ios.doi.gov

--

Sue Waldron
Assistant Director, Communications
National Park Service
(202) 208-3046
Visit us at www.nps.gov

The National Park Service cares for special places saved by the American people so that all may experience our heritage.

EXPERIENCE YOUR AMERICA

--

Kate Kelly
Director of Communications
Department of the Interior
(202) 208 2409
kate_kelly@ios.doi.gov

--

Blake Androff
Deputy Director of Communications
U.S. Department of the Interior
Office: (202) 208-6416 | Cell: (202) 725-7435

On the record:

With the lapse in funding appropriated by Congress, all 401 national parks are closed to the public and nearly 20,000 National Park Service employees have been furloughed. (b) (5)

(b) (5)

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On background:

(b) (5)

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Comment [DOJ5]: (b) (5)
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Comment [DOJ6]: (b) (5)
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Young, Deirdre R

From: Benge, Shawn <shawn_benge@nps.gov>
Sent: Tuesday, October 08, 2013 12:38 PM
To: Margaret O'Dell
Cc: Litterst, Michael; Jonathan Jarvis; Maureen Foster; Cam Sholly; Sue Waldron
Subject: Re: Media Request on deadline - Businesses in NP

First I have heard about it. Working it!

On Tue, Oct 8, 2013 at 11:33 AM, Margaret O'Dell <peggy_o'dell@nps.gov> wrote:
Hadn't heard of this one either. Copying Shawn to see if he can get us info.

Shawn expect to hear more guidance about this type of issue on our call now.
Sent from my iPhone

On Oct 8, 2013, at 11:30 AM, "Litterst, Michael" <mike_litterst@nps.gov> wrote:

For your situational awareness; didn't see this on the list of issues from this morning.

Mike

~~~~~  
Mike Litterst  
Chief Spokesperson (acting)

National Park Service  
1849 C Street NW  
Washington, DC 20240  
Ph: (202) 513-0354  
Cell: (202) 306-4166

The National Park Service cares for special places saved by the American people so that all may experience our heritage.

EXPERIENCE YOUR AMERICA

----- Forwarded message -----

**From:** Shutdown, DOI <[doi\\_shutdown@ios.doi.gov](mailto:doi_shutdown@ios.doi.gov)>  
**Date:** Tue, Oct 8, 2013 at 11:14 AM  
**Subject:** Re: Media Request on deadline - Businesses in NP  
**To:** Alexis Zotos <[azotos@wate.com](mailto:azotos@wate.com)>  
**Cc:** Michael Litterst <[mike\\_litterst@nps.gov](mailto:mike_litterst@nps.gov)>

Looping in with Mike Litterst with the National Park Service.

On Tue, Oct 8, 2013 at 10:36 AM, Alexis Zotos <[azotos@wate.com](mailto:azotos@wate.com)> wrote:

Hello,

I am a reporter at WATE in Knoxville TN. I am doing a story today on a man who is a licensed commissioner in Big South Fork National Park. He operates the Charit Creek Lodge and says he plans to allow his guests to come to the lodge despite the shutdown. I am curious what, if anything, will be done to stop him?

Can the rangers arrest him? What is the protocol for dealing with businesses who violate the shutdown orders. If possible I would like to speak with one of the local rangers at Big South Fork that is currently still working.

I am working on a 5PM EST deadline. You can reach me by email or by phone at 865-660-1184.

Thank you,

Alexis Zotos

--  
**Shawn Bengé**

Deputy Regional Director  
Southeast Region  
National Park Service  
Office: 404 507 5605  
Cell: 404 272 7253

## Young, Deirdre R

---

**From:** Reynolds, William <william\_f\_reynolds@nps.gov>  
**Sent:** Saturday, October 05, 2013 8:59 AM  
**To:** McDowall, Lena  
**Cc:** Shawn Bengel; Mark Woods; Michael Litterst; Melissa Lackey; Suzanne Waldron; Dana Soehn; David Horne; Steve Stinnett  
**Subject:** Re: Change to talking points re: sufficient notice  
**Attachments:** BLRI - Pisgah Inn Tik Pts - 100513 update.docx

I updated the attached Pisgah Talking points - changed dates, and reordered some of the messages - no substantive or context changes  
Bill

On Fri, Oct 4, 2013 at 6:08 PM, McDowall, Lena <[lena\\_mcdowall@nps.gov](mailto:lena_mcdowall@nps.gov)> wrote:  
Bill -

Melissa Lackey in SOL made a change to your bullet #4 regarding sufficiency of the closure notice in the talking points - attached. We wanted to make sure the language is consistent with the response we provided to Bruce O'Connell's lawyer. Please let me know if you have any questions.

Thanks,

Lena

--

Lena McDowall  
Associate Director, Business Services  
Ph: (202) 208-5651  
Cell: (202) 641-1814  
Email: [Lena\\_McDowall@nps.gov](mailto:Lena_McDowall@nps.gov)

--

William F. Reynolds  
Assistant Regional Director  
National Park Service Southeast Region  
404-507-5612

Blue Ridge Parkway – Pisgah Inn  
DRAFT Talking Points  
Saturday, October 5~~3~~, 2013

1. Pisgah Inn is a concession that operates in a Federally-owned facility under contract with the National Park Service. During the lapse in appropriations, all National Park Units are operating with skeleton crews and are unable to accommodate visitors. As a result, all visitor services, facilities and activities, including those operated or provided by concessioners, are closed or suspended until funding is restored.
2. We know that many people who want to stay at the inn and view the fall leaf colors will be disappointed and we wish the circumstances were different. This is a very unfortunate situation and hundreds of other concession operators in national parks around the country are closed because of the lapse in funding. We wish we could make an exception in this case, but that would not be fair to the other operators and their employees who are also out of work right now.
1. We understand that this is a great disappointment to many visitors and a hardship for all employees, including those of the concessioners, and we wish the situation was different.
3. We advised the Pisgah Inn on Tuesday, October 1, that all National Park visitor services, facilities and activities, including its concession operation, are required to close because of the Federal Government shutdown. The guidance provided to the concession operator required Mt. Pisgah Inn to close by 6 p.m. today, October 3, with guests making alternative arrangements for over-night accommodations.
4. As of Thursday, October 3, all guests had vacated the inn and it was closed.
5. We were notified by the inn Friday morning, October 4, that itthey planned to reopen and accept guests. Blue Ridge Parkway officials notified inn management that the closure of the facility will be enforced.
6. Department of the Interior's Office of the Solicitors SOL have has determined that our notification to the Pisgah Inn on Tuesday, October 1, was legally sufficient and met the requirements of the concession contract.)sufficient under the circumstances. The National Park Service notified counsel for the Pisgah Inn of that determination Friday afternoon. We further notified them that the closure of the facility will be enforcedthe concessioner that closure of the facilities should take place immediately, if it has in fact re-opened.

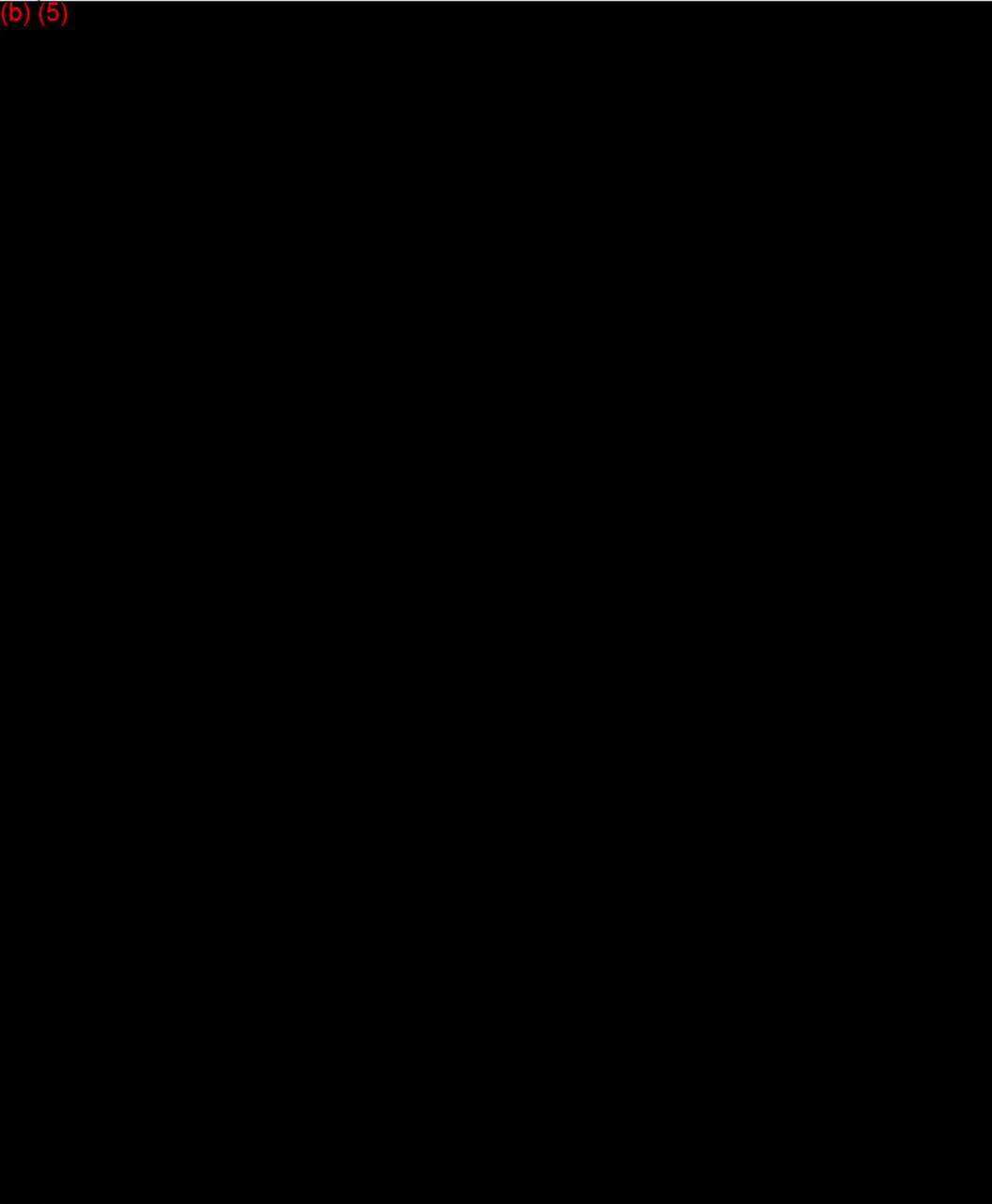
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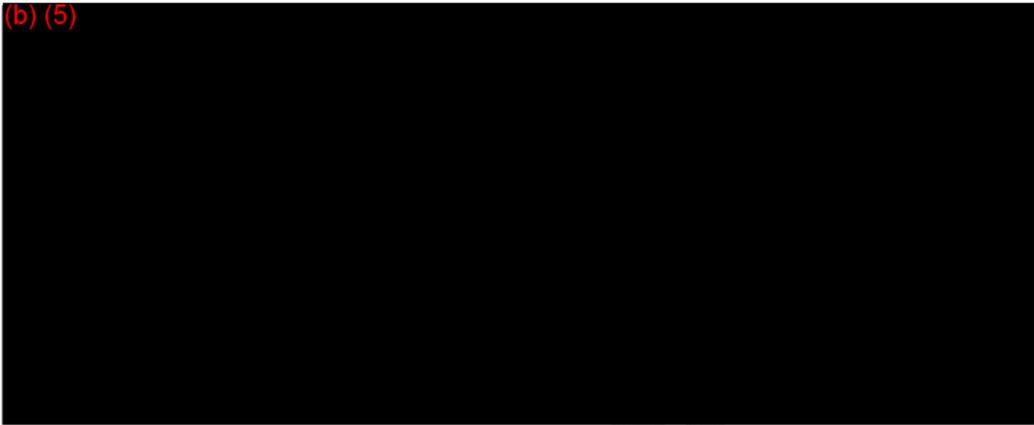
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DRAFT

## Young, Deirdre R

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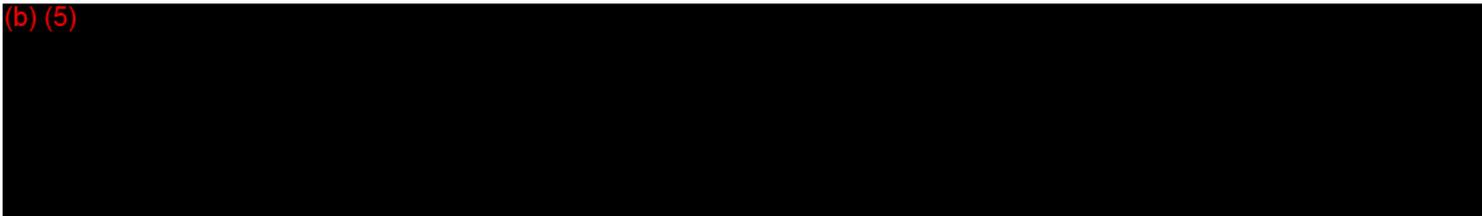
**From:** Reynolds, William <[william\\_f\\_reynolds@nps.gov](mailto:william_f_reynolds@nps.gov)>  
**Sent:** Friday, October 04, 2013 2:32 PM  
**To:** McDowall, Lena  
**Cc:** Waldron, Suzanne; Melissa Lackey; Mike Litterst; Cam Sholly; Maureen Foster; Peggy O'Dell; Blake Androff; Kate Kelly; Mark Woods  
**Subject:** Re: Pisgah Inn  
**Attachments:** BLRI - Pisgah Inn Tik Pts - 100413 rev.docx

here are draft revised points based on today's developments

On Fri, Oct 4, 2013 at 2:28 PM, McDowall, Lena <[lena\\_mcdowall@nps.gov](mailto:lena_mcdowall@nps.gov)> wrote:  
Looping in Melissa Lackey from SOL who is back from furlough today to help us out with concessions issues.

On Fri, Oct 4, 2013 at 2:03 PM, Waldron, Suzanne <[sue\\_waldron@nps.gov](mailto:sue_waldron@nps.gov)> wrote:  
think the points are good background - the statement is fine - let us know how it goes

(b) (5)



On Fri, Oct 4, 2013 at 1:52 PM, Reynolds, William <[william\\_f\\_reynolds@nps.gov](mailto:william_f_reynolds@nps.gov)> wrote:  
Plan - short term - Superintendent Mark Woods will handle media on site, if necessary. (he has been called in)

I will handle media calls from national and regional media using the talking points (adding one more about SOL determining (b) (5)



(b) (5)



Unless you direct otherwise.  
Bill

On Fri, Oct 4, 2013 at 1:31 PM, Reynolds, William <[william\\_f\\_reynolds@nps.gov](mailto:william_f_reynolds@nps.gov)> wrote:  
We expect media to be on site to cover this.  
There are some legal questions that are being worked out right now and we will need to add a point about the (b) (5) Waiting to hear more on that. May be pulling in a PAO from GRSM (Dana or Molly) to handle.

On Fri, Oct 4, 2013 at 1:27 PM, Suzanne Waldron <[sue\\_waldron@nps.gov](mailto:sue_waldron@nps.gov)> wrote:  
Argh. Will take a look

Sent from my iPhone

On Oct 4, 2013, at 1:26 PM, "Reynolds, William" <[william\\_f\\_reynolds@nps.gov](mailto:william_f_reynolds@nps.gov)> wrote:

Looks as though they will be needed now. The concessioner is planning to reopen. Rangers en route to enforce closure. Will keep you posted.

Bill

On Fri, Oct 4, 2013 at 9:25 AM, Reynolds, William <[william\\_f\\_reynolds@nps.gov](mailto:william_f_reynolds@nps.gov)> wrote:  
Thanks. Looks as though they are not needed now, but I will keep the concession language for future reference.

Bill

On Fri, Oct 4, 2013 at 8:23 AM, Waldron, Suzanne <[sue\\_waldron@nps.gov](mailto:sue_waldron@nps.gov)> wrote:  
bill - asked lena to look at these - not sure they are still needed - less said better - but just in case

----- Forwarded message -----

From: **McDowall, Lena** <[lena\\_mcdowall@nps.gov](mailto:lena_mcdowall@nps.gov)>

Date: Thu, Oct 3, 2013 at 5:52 PM

Subject: Re: Pisgah Inn

To: "Waldron, Suzanne" <[sue\\_waldron@nps.gov](mailto:sue_waldron@nps.gov)>

I went ahead and edited the bullet about Pisgah Inn being a private business just in case you end up needing it.

On Thu, Oct 3, 2013 at 3:33 PM, Waldron, Suzanne <[sue\\_waldron@nps.gov](mailto:sue_waldron@nps.gov)> wrote:  
fyi

----- Forwarded message -----

From: **William Reynolds** <[william\\_f\\_reynolds@nps.gov](mailto:william_f_reynolds@nps.gov)>

Date: Thu, Oct 3, 2013 at 2:18 PM

Subject: Re: Pisgah Inn

To: [Sue\\_Waldron@nps.gov](mailto:Sue_Waldron@nps.gov)

FYI, Rep. Meadows' office is reaching out to the park. Will let you know status of that contact ASAP.

Bill

---

**From:** Waldron, Suzanne [mailto:[sue\\_waldron@nps.gov](mailto:sue_waldron@nps.gov)]

**Sent:** Thursday, October 03, 2013 09:55 AM

**To:** Karen Cucurullo <[karen\\_cucurullo@nps.gov](mailto:karen_cucurullo@nps.gov)>; William Reynolds <[william\\_f\\_reynolds@nps.gov](mailto:william_f_reynolds@nps.gov)>; Shawn Benge <[shawn\\_benge@nps.gov](mailto:shawn_benge@nps.gov)>

**Cc:** Maureen Foster <[maureen\\_foster@nps.gov](mailto:maureen_foster@nps.gov)>; Lena McDowall <[Lena\\_McDowall@nps.gov](mailto:Lena_McDowall@nps.gov)>; Mike Litterst <[Mike\\_Litterst@nps.gov](mailto:Mike_Litterst@nps.gov)>

**Subject:** Re: Pisgah Inn

bill - do you have point on this? or can you get this to who is?

On Thu, Oct 3, 2013 at 12:47 PM, Karen Cucurullo <[karen\\_cucurullo@nps.gov](mailto:karen_cucurullo@nps.gov)> wrote:

I think someone else can better answer.

Sent from my iPhone

Begin forwarded message:

**From:** <[Colleen.Jenkins@thomsonreuters.com](mailto:Colleen.Jenkins@thomsonreuters.com)>  
**Date:** October 3, 2013, 11:22:52 AM EDT  
**To:** <[Karen\\_Cucurullo@nps.gov](mailto:Karen_Cucurullo@nps.gov)>  
**Subject:** Pisgah Inn

Hi Karen,

I'm working on a story for Reuters about the Pisgah Inn in NC's Blue Ridge Mts choosing to stay open despite the government shutdown. Are you available to answer some questions regarding this matter? I can be reached at 727.331.4274.

Thanks!

Colleen

**Colleen Jenkins**  
Correspondent, U.S. General News

Reuters

**Thomson Reuters**

Mobile: 727.331.4274  
[Colleen.Jenkins@thomsonreuters.com](mailto:Colleen.Jenkins@thomsonreuters.com)  
[www.reuters.com](http://www.reuters.com)

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Sue Waldron  
Assistant Director, Communications  
National Park Service  
(202) 208-3046  
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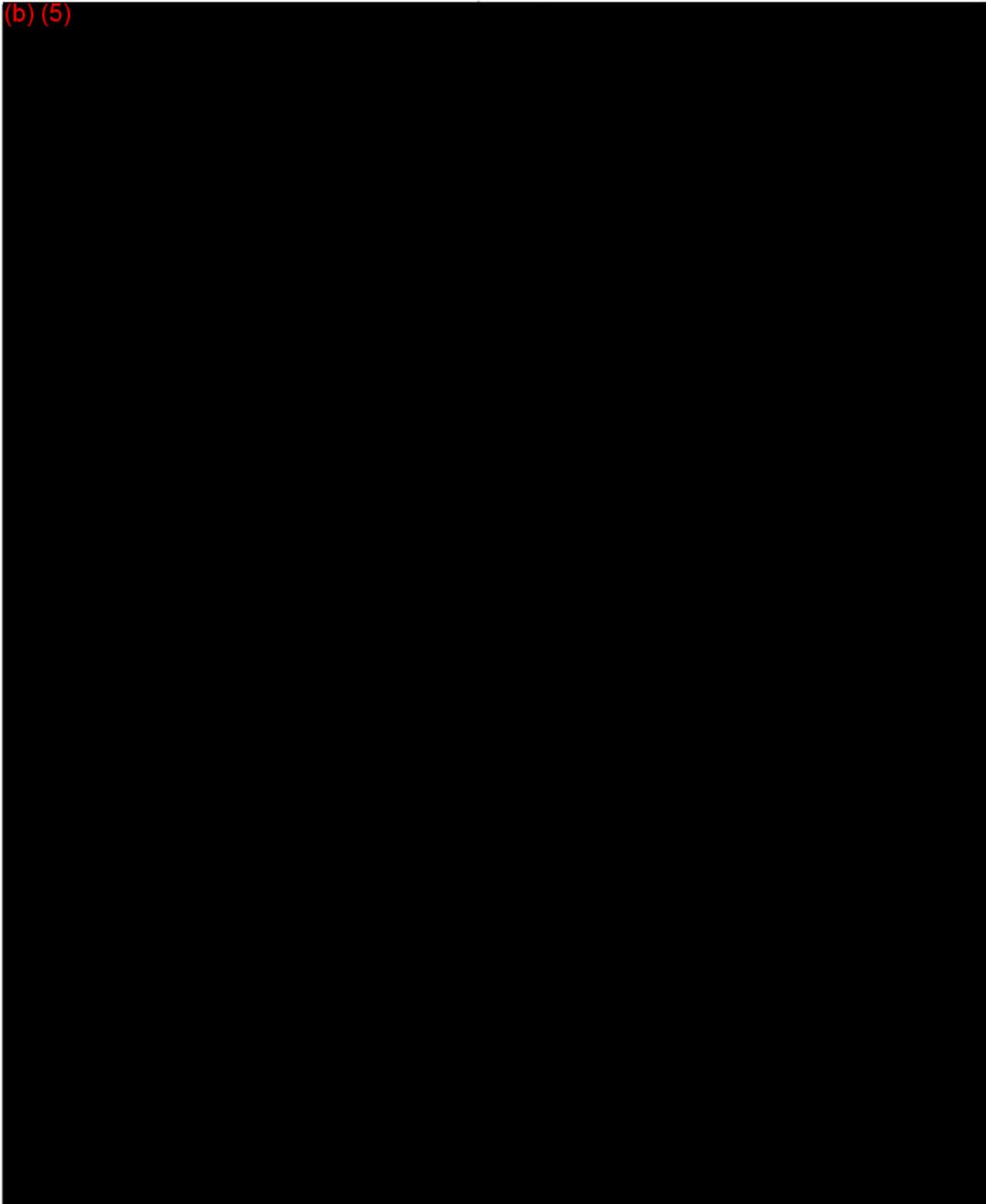
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Blue Ridge Parkway – Pisgah Inn  
DRAFT Talking Points

(b) (5)



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(b) (5)



**Formatted:** Font: (Default) Times New Roman, 12 pt

**Formatted:** Normal, No bullets or numbering

## Young, Deirdre R

---

**From:** McDowall, Lena <lena\_mcdowall@nps.gov>  
**Sent:** Friday, October 04, 2013 2:29 PM  
**To:** Waldron, Suzanne; Melissa Lackey  
**Cc:** Reynolds, William; Mike Litterst; Cam Sholly; Maureen Foster; Peggy O'Dell; Blake Androff; Kate Kelly  
**Subject:** Re: Pisgah Inn

Looping in Melissa Lackey from SOL who is back from furlough today to help us out with concessions issues.

On Fri, Oct 4, 2013 at 2:03 PM, Waldron, Suzanne <[sue\\_waldron@nps.gov](mailto:sue_waldron@nps.gov)> wrote:  
think the points are good background - the statement is fine - let us know how it goes

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**Sent:** Friday, October 04, 2013 2:04 PM  
**To:** Reynolds, William  
**Cc:** Mike Litterst; Lena McDowall; Cam Sholly; Maureen Foster; Peggy O'Dell; Blake Androff; Kate Kelly  
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Thanks. Looks as though they are not needed now, but I will keep the concession language for future reference.  
Bill

On Fri, Oct 4, 2013 at 8:23 AM, Waldron, Suzanne <sue\_waldron@nps.gov> wrote:  
bill - asked lena to look at these - not sure they are still needed - less said better - but just in case

----- Forwarded message -----

**From:** McDowall, Lena <lena\_mcdowall@nps.gov>  
**Date:** Thu, Oct 3, 2013 at 5:52 PM  
**Subject:** Re: Pisgah Inn  
**To:** "Waldron, Suzanne" <sue\_waldron@nps.gov>

I went ahead and edited the bullet about Pisgah Inn being a private business just in case you end up needing it.

On Thu, Oct 3, 2013 at 3:33 PM, Waldron, Suzanne <sue\_waldron@nps.gov> wrote:  
fyi

----- Forwarded message -----

**From:** William Reynolds <william\_f\_reynolds@nps.gov>

Date: Thu, Oct 3, 2013 at 2:18 PM

Subject: Re: Pisgah Inn

To: [Sue\\_Waldron@nps.gov](mailto:Sue_Waldron@nps.gov)

FYI, Rep. Meadows' office is reaching out to the park. Will let you know status of that contact ASAP.  
Bill

---

**From:** Waldron, Suzanne [mailto:[sue\\_waldron@nps.gov](mailto:sue_waldron@nps.gov)]

**Sent:** Thursday, October 03, 2013 09:55 AM

**To:** Karen Cucurullo <[karen\\_cucurullo@nps.gov](mailto:karen_cucurullo@nps.gov)>; William Reynolds <[william\\_f\\_reynolds@nps.gov](mailto:william_f_reynolds@nps.gov)>; Shawn Benge <[shawn\\_benge@nps.gov](mailto:shawn_benge@nps.gov)>

**Cc:** Maureen Foster <[maureen\\_foster@nps.gov](mailto:maureen_foster@nps.gov)>; Lena McDowall <[Lena\\_McDowall@nps.gov](mailto:Lena_McDowall@nps.gov)>; Mike Litterst <[Mike\\_Litterst@nps.gov](mailto:Mike_Litterst@nps.gov)>

**Subject:** Re: Pisgah Inn

bill - do you have point on this? or can you get this to who is?

On Thu, Oct 3, 2013 at 12:47 PM, Karen Cucurullo <[karen\\_cucurullo@nps.gov](mailto:karen_cucurullo@nps.gov)> wrote:  
I think someone else can better answer.

Sent from my iPhone

Begin forwarded message:

**From:** <[Colleen.Jenkins@thomsonreuters.com](mailto:Colleen.Jenkins@thomsonreuters.com)>

**Date:** October 3, 2013, 11:22:52 AM EDT

**To:** <[Karen\\_Cucurullo@nps.gov](mailto:Karen_Cucurullo@nps.gov)>

**Subject:** Pisgah Inn

Hi Karen,

I'm working on a story for Reuters about the Pisgah Inn in NC's Blue Ridge Mts choosing to stay open despite the government shutdown. Are you available to answer some questions regarding this matter? I can be reached at 727.331.4274.

Thanks!

Colleen

**Colleen Jenkins**  
Correspondent, U.S. General News

Reuters

**Thomson Reuters**

Mobile: 727.331.4274  
[Colleen.Jenkins@thomsonreuters.com](mailto:Colleen.Jenkins@thomsonreuters.com)  
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Assistant Director, Communications  
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Lena McDowall

Associate Director, Business Services  
Ph: (202) 208-5651  
Cell: (202) 641-1814  
Email: [Lena\\_McDowall@nps.gov](mailto:Lena_McDowall@nps.gov)

--

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William F. Reynolds  
Assistant Regional Director  
National Park Service Southeast Region  
404-507-5612

--

William F. Reynolds  
Assistant Regional Director  
National Park Service Southeast Region  
404-507-5612

--

William F. Reynolds  
Assistant Regional Director  
National Park Service Southeast Region  
404-507-5612

## Young, Deirdre R

---

**From:** Kelly, Katherine <kate\_kelly@ios.doi.gov>  
**Sent:** Friday, October 11, 2013 11:59 AM  
**To:** Litterst, Michael  
**Cc:** Sue Waldron; Lena McDowall; Blake Androff  
**Subject:** Re: Media Inquiry - concessions

Yes

On Friday, October 11, 2013, Litterst, Michael wrote:

For your consideration. Given the state of flux for the concessions, might be best to hold off until Monday.

----- Forwarded message -----

From: "Natalie Rodriguez" <[natalie.rodriguez@law360.com](mailto:natalie.rodriguez@law360.com)>  
Date: Oct 11, 2013 11:35 AM  
Subject: Media Inquiry  
To: <[mike\\_litterst@nps.gov](mailto:mike_litterst@nps.gov)>  
Cc:

Dear Mr. Litterst,

Hi, my name is Natalie Rodriguez and I am a hospitality reporter with Law360, a newswire for business lawyers. I'm looking to do a story today on the lease/concession technicalities that allow some hotels and restaurants on national parks to remain open, while forcing others to close.

I don't know if you're able to respond to this or not because of the shutdown, but if you are, would it be possible to speak briefly (5-10 minutes) on why some parks or facilities have concessions and others have leases? I'm wondering what kind of rules or circumstances make the difference in choosing a concession or a lease.

Any and all help would be greatly appreciated. Unfortunately, I am on a tight deadline for 5pm EST today. If a chat is possible, please give me a call back at this email or at [646-783-7199](tel:646-783-7199) as soon as possible. Thanks and take care.

Best,  
Natalie

--  
Natalie Rodriguez  
Senior Reporter



Legal News & Data  
860 Broadway, 6th Floor  
New York, NY 10003  
646-783-7199

--

Kate Kelly  
Director of Communications  
Department of the Interior  
(202) 208 2409  
[kate\\_kelly@ios.doi.gov](mailto:kate_kelly@ios.doi.gov)

## Young, Deirdre R

---

**From:** Litterst, Michael <mike\_litterst@nps.gov>  
**Sent:** Friday, October 11, 2013 11:59 AM  
**To:** Sue Waldron; Lena McDowall; Kate Kelly; Blake Androff  
**Subject:** Fwd: Media Inquiry - concessions

For your consideration. Given the state of flux for the concessions, might be best to hold off until Monday.

----- Forwarded message -----

From: "Natalie Rodriguez" <[natalie.rodriguez@law360.com](mailto:natalie.rodriguez@law360.com)>  
Date: Oct 11, 2013 11:35 AM  
Subject: Media Inquiry  
To: <[mike\\_litterst@nps.gov](mailto:mike_litterst@nps.gov)>  
Cc:

Dear Mr. Litterst,

Hi, my name is Natalie Rodriguez and I am a hospitality reporter with Law360, a newswire for business lawyers. I'm looking to do a story today on the lease/concession technicalities that allow some hotels and restaurants on national parks to remain open, while forcing others to close.

I don't know if you're able to respond to this or not because of the shutdown, but if you are, would it be possible to speak briefly (5-10 minutes) on why some parks or facilities have concessions and others have leases? I'm wondering what kind of rules or circumstances make the difference in choosing a concession or a lease.

Any and all help would be greatly appreciated. Unfortunately, I am on a tight deadline for 5pm EST today. If a chat is possible, please give me a call back at this email or at [646-783-7199](tel:646-783-7199) as soon as possible. Thanks and take care.

Best,  
Natalie

--  
Natalie Rodriguez  
Senior Reporter



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860 Broadway, 6th Floor  
New York, NY 10003  
646-783-7199

## Young, Deirdre R

---

**From:** Derrick Crandall <dcrandall@funoutdoors.com>  
**Sent:** Thursday, October 03, 2013 1:03 PM  
**To:** Sue Waldron (Sue\_Waldron@nps.gov)  
**Subject:** FW: Key Clips -- Actions Underway  
**Attachments:** NPS orders closure of park that receives no federal funding - Washington Tim.pdf; Pisgah Inn refuses to close with federal shutdown \_ The Asheville Citizen-Ti.pdf

Can you call me? Think we can and should discuss alternatives to making NPS look like the bad guys over the next week ....

I'm attaching two articles regarding operations in parks during the shutdown which don't position the NPS very favorably ...

The first deals with the Claude Moore Colonial Farm in McLean, VA, which has received no federal funding for 30+ years – it is entirely volunteer/friends group operated. I has always been exempted from past closures. Not this time. Reports are that US Park Police showed up and evicted the staff and visitors and have now posted a guard at the location to prevent entry.

And now we have the first confirmed protest. Pisgah Inn on the Blue Ridge Parkway has announced that it will not close today at 6 PM, as ordered by the park.

Derrick

***Derrick A. Crandall, Counselor  
National Park Hospitality Association  
1200 G Street, N.W. Suite 650  
Washington, D.C. 20005  
202-682-9530, F 202-682-9529 C 703-624-0495  
[www.parkpartners.org](http://www.parkpartners.org)***

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NPS orders closure of park that receives no federal funding

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By Lachlan Markay - Washington Free Beacon

Wednesday, October 2, 2013



Enlarge Photo

Image: Claude Moore Colonial Farm more >

The National Park Service has ordered the closure of a Virginia park that sits on federal land, even though the government provides no resources for its maintenance or operation.

The Claude Moore Colonial Farm announced on Wednesday that NPS has ordered it to suspend operations until Congress agrees to a deal to fund the federal government.

SEE ALSO: World War II veterans make one more victory raid — push way into Mall memorial

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According to Anna Eberly, managing director of the farm, NPS sent law enforcement agents to the park on Tuesday evening to remove staff and volunteers from the property.

"You do have to wonder about the wisdom of an organization that would use staff they don't have the money to pay to evict visitors from a park site that operates without costing them any money," she said.

RELATED STORIES

Shutdown aftermath: World War II veterans make one more victory raid — push way into Mall memorial

The park withstood prior government shutdowns, noting in a news release that the farm will be closed to the public for the first time in 40 years.

"In previous budget dramas, the Farm has always been exempted since the NPS provides no staff or resources to operate the Farm," Eberly explained in an emailed statement.

"In all the years I have worked with the National Park Service ... I have never worked with a more arrogant, arbitrary and vindictive group representing the NPS," Eberly said.

The farm is an historical reenactment site, which "authentically portrays the life of an 18th Century American family building a life on the nearer edges of civilized society," according to its website.

Farm staff repeatedly asked the NPS to allow the farm to remain open. "Every appeal our Board of Directors made to the NPS administration was denied," Eberly said.

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- Jim Moran

She called the decision "utter crap."

"We have operated the Farm successfully for 32 years after the NPS cut the Farm from its budget in 1980 and are fully staffed and prepared to open today. But there are barricades at the Pavilions and entrance to the Farm," Eberly explained.

Previous federal funding battles have threatened the farm's operations. A group of citizens in 1980 formed the Friends of Turkey Run Farm, established a \$500,000 endowment for the farm, and negotiated a 30-year no-fee lease.

According to Eberly's statement, farm staff have been in contact with Reps. Frank Wolf (R., Va.) and Jim Moran (D., Va.) in an attempt to reverse NPS' decision. Neither congressman returned a request for comment.

News of the farm closure comes as controversy rages over the closure of the World War II memorial on the National Mall.

WWII veterans in Washington as part of the Honor Flight Network stormed the memorial on Tuesday, defying NPS, which insisted that the memorial was legally closed.

More Honor Flight veterans showed up on Wednesday, flanked by members of Congress from both parties. Republican members blamed Democrats for the memorial's closure, and vice versa.

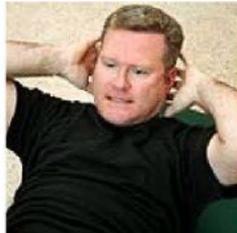
Some speculated that the decision to close the memorial was part of a concerted effort by the administration to play up the consequences of the shutdown in an effort to convince congressional Republicans to agree to a funding bill without preconditions.

That tactic is known as the Washington Monument Strategy, in reference to efforts by Nixon administration officials to inflate the consequences of budget cuts at the time.

• Lachlan Markay is a staff writer for the Washington Free Beacon. His Twitter handle is @lachlan. His email address is markay@freebeacon.com.

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QUESTION OF THE DAY

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# Pisgah Inn refuses to close with federal shutdown

Oct. 2, 2013 10:02 PM | 9 Comments

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...ah Inn general manager Rob Miller watched their memorial in Washington.

He got to thinking about his own situation at the business he runs along the Blue Ridge Parkway.

The government owns the building and the land. The National Park Service had given him until 6 p.m. today to shutdown and kick out his 78 guests.

He called Bruce O'Connell, the owner of Pisgah Inn, Inc., who is in Mexico. O'Connell had seen the same report about the veterans.

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They came up with a bold plan.

“We thought if those guys can do it, we can make a stand,” he said. “We just decided that it is in the visitors’ best interest that we remain open.”

What will happen as the deadline passes today is unclear.

Parkway Chief Ranger Steve Stinnett said Wednesday that Washington was aware of the problem.

“We are in discussions at this time,” he said.

He could not immediately say what steps the government might take to close the 51-room inn.

Miller told guests on Wednesday that the inn would not be closing. He said the response has been great.

He was dreading having to tell people, including one guest who is pregnant, that they can’t use the bathrooms anymore because the government is closed

The O’Connell family has operated the inn since 1977.

It’s one of the few remaining mom-and-pop concessionaires in the National Park Service.

Park concessionaires have been told to close. Lodges have been given the 6 p.m. Thursday deadline to allow them time to get guests out.

Miller called around on Wednesday trying to find other concessionaires who would stand with him but had no luck.

He posted the plan on the inn’s Facebook page, which garnered nearly 190 likes by late afternoon.

People applauded the decision.

“Glad to see that you will stay open,” wrote Mike Stinneford, on the inn’s Facebook page. “I can’t imagine an October without the Inn.”

“Some services are considered ‘essential,’ you fall within that category,” wrote Jane Windle.



### WWII veterans visit memorial, despite shutdown

Oct. 01, 2013

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## Young, Deirdre R

---

**From:** Mummart, Jennifer <jennifer\_mummart@nps.gov>  
**Sent:** Thursday, October 10, 2013 9:40 AM  
**To:** Suzanne Waldron; Michael Litterst  
**Cc:** Lisa Mendelson  
**Subject:** Concern from a superintendent

Just received this note (I have permission to share, but I edited slightly to keep confidences), which I think represents how many people are feeling:

Between the rodents at NACE that the Mayor had to step in (which may be correct, don't know) and staff at GWMP [supposedly] stating "to make life as difficult for people as we can" and not paying any federal dollars to Claude Moore Farm for 30 years, to being referred to as "National Park Service thugs" and "US Forest Rangers in Yellowstone" is demoralizing, incorrect and killing the reputation of our agency! Where are we with the positive fact correcting press? The 23K employees, visitors and supporters have got to be reading these articles too! Urgh...My frustration unleashed, thanks for listening.

---

Jennifer Mummart  
Director of Communications  
National Park Service - National Capital Region  
(202) 619-7174  
[www.nps.gov](http://www.nps.gov)

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## Young, Deirdre R

---

**From:** Waldron, Suzanne <sue\_waldron@nps.gov>  
**Sent:** Tuesday, October 08, 2013 6:59 PM  
**To:** Jon Jarvis; Peggy O'Dell; Maureen Foster; Lena McDowall; Cam Sholly; Barry Roth; Edward Boling; Lisa Mendelson; Jennifer Mummart; Bruce Sheaffer  
**Cc:** Mike Litterst; Kate Kelly; Blake Androff  
**Subject:** quick review - claude moore and pisgah  
**Attachments:** Claude Moore\_Pisgah.docx

if we get calls...

--

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Assistant Director, Communications  
National Park Service  
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## **Claude Moore**

After a comprehensive review of the very specific circumstances at Claude Moore Colonial Farm, the National Park Service has determined that allowing the farm to remain open is consistent with the National Park Service contingency plan during the government shutdown. The farm must operate without any NPS assistance until the shutdown is over

### **If asked:**

Because every situation is different, NPS will make case-by-case determinations on requests for reconsideration of including partner facilities in the closure of national parks.

## **Pisgah**

As part of a court settlement, and after a comprehensive review of the very specific circumstances at the Pisgah Inn, the National Park Service has determined that allowing the establishment to remain open is a better use of limited NPS resources and is consistent with the National Park Service contingency plan during the government shutdown. The Inn must operate without any NPS assistance until the shutdown is over.

### **If asked:**

Because every situation is different, NPS will make case-by-case determinations on requests for reconsideration of including partner facilities in the closure of national parks.

## Young, Deirdre R

---

**From:** Waldron, Suzanne <sue\_waldron@nps.gov>  
**Sent:** Tuesday, October 08, 2013 6:39 PM  
**To:** Kate Kelly; Blake Androff  
**Subject:** comments before i show to jon et al?

### **Claude Moore**

After a comprehensive review of the very specific circumstances at Claude Moore Colonial Farm, the National Park Service has determined that allowing the farm to remain open is consistent with the National Park Service contingency plan during the government shutdown. The farm must operate without any NPS assistance until the shutdown is over

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### **Pisgah**

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Because every situation is different, NPS will make case-by-case determinations on requests for reconsideration of including partner facilities in the closure of national parks.

--

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## Young, Deirdre R

---

**From:** Waldron, Suzanne <sue\_waldron@nps.gov>  
**Sent:** Tuesday, October 08, 2013 4:14 PM  
**To:** Kate Kelly; Blake Androff  
**Cc:** Mike Litterst  
**Subject:** Fwd: Claude Moore Colonial Farm closure  
**Attachments:** Claude Moore Colonial Farm.doc; Claude Moore Colonial Farm second letter.doc

fyi

----- Forwarded message -----

**From:** Foster, Maureen <maureen\_foster@nps.gov>  
**Date:** Tue, Oct 8, 2013 at 4:09 PM  
**Subject:** Fwd: Claude Moore Colonial Farm closure  
**To:** Jon Jarvis <Jon\_Jarvis@nps.gov>, Peggy O'Dell <Peggy\_O'Dell@nps.gov>, Lisa Mendelson <Lisa\_Mendelson-Ielmini@nps.gov>, Sue Waldron <Sue\_Waldron@nps.gov>, Lena McDowall <Lena\_McDowall@nps.gov>, Bruce Sheaffer <Bruce\_Sheaffer@nps.gov>

FYI

---

Maureen D. Foster  
Chief of Staff  
National Park Service  
1849 C Street, NW, Room 3114  
Washington, DC 20240  
202.208.5970 (direct)  
202.208.3818 (main)

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**From:** Neimeyer, Sarah <sarah\_neimeyer@ios.doi.gov>  
**Date:** Tue, Oct 8, 2013 at 4:01 PM  
**Subject:** Fwd: Claude Moore Colonial Farm closure  
**To:** Maureen Foster <maureen\_foster@nps.gov>  
**Cc:** Katherine Kelly <Kate\_Kelly@ios.doi.gov>, Laura Davis <laura\_davis@ios.doi.gov>, Kevin Haugrud <jack.haugrud@sol.doi.gov>

FYI. Additional info from Rep. Young's staff.

----- Forwarded message -----

**From:** Newman, Bruce <bruce.newman@mail.house.gov>

Date: Tue, Oct 8, 2013 at 3:45 PM

Subject: Claude Moore Colonial Farm closure

To: "[sarah\\_neimeyer@ios.doi.gov](mailto:sarah_neimeyer@ios.doi.gov)" <[sarah\\_neimeyer@ios.doi.gov](mailto:sarah_neimeyer@ios.doi.gov)>

Hi Sarah,

As a follow up to our phone conversation earlier today, I wanted to pass along some additional material related to the phone call that Representative Don Young and Secretary Jewell had yesterday concerning the Claude Moore Colonial Farm.

Although the National Park Service (NPS) is the landlord of the farm, they have not provided staff or resources for the operation of the farm for the last 32 years. In fact it was a groundswell of community involvement and support that kept the farm alive when the Park Service cut the Farm from its budget in 1980. Since then, the Farm has been completely self supporting and that is where this closure of the Farm by the NPS is particularly troubling as October is their busiest month. More information on the Farm and the various programs and events can be found on their website [www.1771.org](http://www.1771.org). Additional information on the closing can be seen in the attached letters from Managing Director Anna Eberly, and on the Greta Van Susteren video available here: <http://freebeacon.com/fox-reports-on-ordered-closing-of-colonial-farm-which-receives-no-government-funding/>.

The Claude Moore Colonial Farm has been doing an outstanding job over the years and should be praised and supported as a partner with the NPS instead of potentially being put out of business with this closure. I know that Congressman Young is eager to see this situation resolved and to get the Farm open again, especially with their Fall Market Fair scheduled for October 19 & 20.

As I mentioned during our phone call, the "Colonials Against Tyranny" protest has been rescheduled for tomorrow Wednesday October 8<sup>th</sup>. Rep. Young told Secretary Jewell that she could be a hero by helping to resolve this issue, and I certainly hope she is able to become that hero. Please keep me informed as details develop on this issue or if you need any additional information.

Thanks for your help this.

Best Regards,

Bruce Newman

--

Sarah C. Neimeyer, Director  
Office of Congressional and Legislative Affairs  
Office of the Secretary  
Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

Office - (202) 208-5557

Fax - (202) 208-5533

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# Claude Moore Colonial Farm

Living History Farm • Educational Resource • User Community

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Hi Folks,

For the first time in 40 years, the National Park Service (NPS) has finally succeeded in closing the Farm down to the public. In previous budget dramas, the Farm has always been exempted since the NPS provides no staff or resources to operate the Farm. We weren't even informed of this until mid-day Monday in spite of their managers having our email addresses and cell numbers.

The first casualty of this arbitrary action was the McLean Chamber of Commerce who were having a large annual event at the Pavilions on Tuesday evening. The NPS sent the Park Police over to remove the Pavilions staff and Chamber volunteers from the property while they were trying to set up for their event. Fortunately, the Chamber has friends and they were able to move to another location and salvage what was left of their party. You do have to wonder about the wisdom of an organization that would use staff they don't have the money to pay to evict visitors from a park site that operates without costing them any money.

Every appeal our Board of Directors made to the NPS administration was denied. They feel that as "landlord" they have absolute control of their property. The NPS is quoted today in the Washington Post saying "The monuments are closed because, during a shutdown, there is no money to pay the rangers who staff them", said the Park Service spokeswoman, Carol Bradley Johnson." And the agency is worried about the security of the memorials and the safety of visitors at unstaffed sites. "It is not something we enjoy doing," Johnson said. "But it's important that we protect and preserve our monuments for future generations."

What utter crap. We have operated the Farm successfully for 32 years after the NPS cut the Farm from its budget in 1980 and are fully staffed and prepared to open today. But there are barricades at the Pavilions and entrance to the Farm. And if you were to park on the grass and visit on your own, you run the risk of being arrested. Of course, that will cost the NPS staff salaries to police the Farm against intruders while leaving it open will cost them nothing.

You would think that with all the funding problems the NPS has, they would at least acknowledge the Farm's successful partnership in operating their park site - just to encourage other groups to support them in similar ways. But you would

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Needless to say, we are working to get this decision reversed and have been in close touch with both Congressman Wolf and Congressman Moran who have so far been unsuccessful. Being open is very important to us both to faithfully serve our visitors and volunteers and to earn income to operate the Farm.

In all the years I have worked with the National Park Service, first as a volunteer for 6 years in Richmond where I grew up, then as an NPS employee at the for 8 very long years and now enjoyably as managing director for the last 32 years - I have never worked with a more arrogant, arbitrary and vindictive group representing the NPS.

I deeply apologize that we have to disappoint you today by being closed but know that we are working while the National Park Service is not - as usual.

Thank you so very much for all of the support that you give to us.

Anna Eberly  
Managing Director



# Claude Moore Colonial Farm

Living History Farm • Educational Resource • User Community

6310 Georgetown Pike • McLean, VA 22101 • 703-442-7557

Hi Folks,

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We especially appreciate all of you that posted, forwarded, blogged, tweeted and facebooked the CMCNews which brought an avalanche of inquiries from the media. There have been phone interviews with media outlets from across the country and the UK, online and print articles and last night a very favorable piece done by Fox 5 who made a trip to the Farm yesterday. We spent a very enjoyable afternoon today with Griff Jenkins and his cameraman Martin from Fox National News which will be on the Greta Van Susteren show tonight at 10 pm. It was fun because the cameraman knew the Farm as he brought his children all the time when they were younger.

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I would like to answer some of the questions that I have received from some of you in this "group setting".

We are critical of the National Park Service because we think they have closed us down illegally according to the terms of the agreement we signed with them in 1981. The agreement states that we will operate the Farm and open it to the public and the only thing they will provide is police protection if needed. Many years ago, we decided that calling the Fairfax County Police if needed (they have joint jurisdiction) worked better for our situation. And because of our proximity to the Central Intelligence Agency, we have probably the best security on earth. The CIA has also treated us with great decency and respect and we value them highly as our neighbors.

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The staff has been here all week in spite of being threatened with arrest because we feel our cause is just and the Farm is worth protecting. And many of our volunteers are Federal employees that now have time on their hands. They could be here volunteering but are banned from the Farm. What an incredibly stupid waste of time and talent.

It is true that my comments about the National Park Service were harsh but they are based on 40 years of dealing with them so I do speak from experience. The NPS has some wonderfully dedicated professional employees who would probably lay down their lives for our parks. Unfortunately, they don't seem to be in charge anymore. The future of the NPS rests with the goodwill of the American people and groups such as ours that could help them protect and manage their vast resources. But treating your partners with disdain and contempt dooms future possibilities for healthy cooperative ventures. I wonder what would have happened at the mall if the NPS had reached out to the VFW and American Legion to provide volunteers instead of placing paid armed guards?

Hopefully our appeals will eventually reach the right people and they will come to the same conclusion we have. Our agreement gives us the right and the duty to be open to the public.

Please keep the comments coming and feel free to pass this on. With your help and support, we will win this fight! See you at Market Fair later this month. And we will definitely keep you posted.

Best Wishes,

Anna Eberly  
Managing Director

## Young, Deirdre R

---

**From:** Foster, Maureen <maureen\_foster@nps.gov>  
**Sent:** Tuesday, October 08, 2013 4:09 PM  
**To:** Jon Jarvis; Peggy O'Dell; Lisa Mendelson; Sue Waldron; Lena McDowall; Bruce Sheaffer  
**Subject:** Fwd: Claude Moore Colonial Farm closure  
**Attachments:** Claude Moore Colonial Farm.doc; Claude Moore Colonial Farm second letter.doc

FYI

---

Maureen D. Foster  
Chief of Staff  
National Park Service  
1849 C Street, NW, Room 3114  
Washington, DC 20240  
202.208.5970 (direct)  
202.208.3818 (main)

EXPERIENCE YOUR AMERICA  
The National Park Service cares for special places  
saved by the American people,  
so that all may experience our heritage.

----- Forwarded message -----

**From:** Neimeyer, Sarah <[sarah\\_neimeyer@ios.doi.gov](mailto:sarah_neimeyer@ios.doi.gov)>  
**Date:** Tue, Oct 8, 2013 at 4:01 PM  
**Subject:** Fwd: Claude Moore Colonial Farm closure  
**To:** Maureen Foster <[maureen\\_foster@nps.gov](mailto:maureen_foster@nps.gov)>  
**Cc:** Katherine Kelly <[Kate\\_Kelly@ios.doi.gov](mailto:Kate_Kelly@ios.doi.gov)>, Laura Davis <[laura\\_davis@ios.doi.gov](mailto:laura_davis@ios.doi.gov)>, Kevin Haugrud <[jack.haugrud@sol.doi.gov](mailto:jack.haugrud@sol.doi.gov)>

FYI. Additional info from Rep. Young's staff.

----- Forwarded message -----

**From:** Newman, Bruce <[bruce.newman@mail.house.gov](mailto:bruce.newman@mail.house.gov)>  
**Date:** Tue, Oct 8, 2013 at 3:45 PM  
**Subject:** Claude Moore Colonial Farm closure  
**To:** "[sarah\\_neimeyer@ios.doi.gov](mailto:sarah_neimeyer@ios.doi.gov)" <[sarah\\_neimeyer@ios.doi.gov](mailto:sarah_neimeyer@ios.doi.gov)>

Hi Sarah,

As a follow up to our phone conversation earlier today, I wanted to pass along some additional material related to the phone call that Representative Don Young and Secretary Jewell had yesterday concerning the Claude Moore Colonial Farm.

Although the National Park Service (NPS) is the landlord of the farm, they have not provided staff or resources for the operation of the farm for the last 32 years. In fact it was a groundswell of community involvement and support that kept the farm alive when the Park Service cut the Farm from its budget in 1980. Since then, the Farm has been completely self supporting and that is where this closure of the Farm by the NPS is particularly troubling as October is their busiest month. More information on the Farm and the various programs and events can be found on their website [www.1771.org](http://www.1771.org). Additional information on the closing can be seen in the attached letters from Managing Director Anna Eberly, and on the Greta Van Susteren video available here: <http://freebeacon.com/fox-reports-on-ordered-closing-of-colonial-farm-which-receives-no-government-funding/>.

The Claude Moore Colonial Farm has been doing an outstanding job over the years and should be praised and supported as a partner with the NPS instead of potentially being put out of business with this closure. I know that Congressman Young is eager to see this situation resolved and to get the Farm open again, especially with their Fall Market Fair scheduled for October 19 & 20.

As I mentioned during our phone call, the "Colonials Against Tyranny" protest has been rescheduled for tomorrow Wednesday October 8<sup>th</sup>. Rep. Young told Secretary Jewell that she could be a hero by helping to resolve this issue, and I certainly hope she is able to become that hero. Please keep me informed as details develop on this issue or if you need any additional information.

Thanks for your help this.

Best Regards,

Bruce Newman

--  
Sarah C. Neimeyer, Director  
Office of Congressional and Legislative Affairs  
Office of the Secretary  
Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

Office - (202) 208-5557  
Fax - (202) 208-5533



# Claude Moore Colonial Farm

Living History Farm • Educational Resource • User Community

6310 Georgetown Pike • McLean, VA 22101 • 703-442-7557

Hi Folks,

For the first time in 40 years, the National Park Service (NPS) has finally succeeded in closing the Farm down to the public. In previous budget dramas, the Farm has always been exempted since the NPS provides no staff or resources to operate the Farm. We weren't even informed of this until mid-day Monday in spite of their managers having our email addresses and cell numbers.

The first casualty of this arbitrary action was the McLean Chamber of Commerce who were having a large annual event at the Pavilions on Tuesday evening. The NPS sent the Park Police over to remove the Pavilions staff and Chamber volunteers from the property while they were trying to set up for their event. Fortunately, the Chamber has friends and they were able to move to another location and salvage what was left of their party. You do have to wonder about the wisdom of an organization that would use staff they don't have the money to pay to evict visitors from a park site that operates without costing them any money.

Every appeal our Board of Directors made to the NPS administration was denied. They feel that as "landlord" they have absolute control of their property. The NPS is quoted today in the Washington Post saying "The monuments are closed because, during a shutdown, there is no money to pay the rangers who staff them", said the Park Service spokeswoman, Carol Bradley Johnson." And the agency is worried about the security of the memorials and the safety of visitors at unstaffed sites. "It is not something we enjoy doing," Johnson said. "But it's important that we protect and preserve our monuments for future generations."

What utter crap. We have operated the Farm successfully for 32 years after the NPS cut the Farm from its budget in 1980 and are fully staffed and prepared to open today. But there are barricades at the Pavilions and entrance to the Farm. And if you were to park on the grass and visit on your own, you run the risk of being arrested. Of course, that will cost the NPS staff salaries to police the Farm against intruders while leaving it open will cost them nothing.

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Best Wishes,

Anna Eberly  
Managing Director

## Young, Deirdre R

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**From:** Reynolds, William <william\_f\_reynolds@nps.gov>  
**Sent:** Tuesday, October 08, 2013 4:31 PM  
**To:** Niki Nicholas  
**Cc:** Shawn Bengé; Suzanne Waldron; Michael Litterst; David Horne  
**Subject:** Re: DRAFT Talking Points and response to query for BISO - Charit Creek Lodge  
**Attachments:** BISO - Charit Crk Lodge tlkg pts - 100813.docx

Revised, IAW Shawn and Niki's comments.

On Tue, Oct 8, 2013 at 4:21 PM, Niki Nicholas <[niki\\_nicholas@nps.gov](mailto:niki_nicholas@nps.gov)> wrote:

Here you go. Thanks for all your help!

Niki Stephanie Nicholas

Superintendent

Big South Fork National River & Recreation Area

Obed Wild & Scenic River

4564 Leatherwood Road

Oneida, Tennessee 37841

423-569-9778

[niki\\_nicholas@nps.gov](mailto:niki_nicholas@nps.gov)

[www.nps.gov/biso](http://www.nps.gov/biso) and [www.nps.gov/obed](http://www.nps.gov/obed)

Like Big South Fork NRRRA on [Facebook](#) and Like Obed WSR on [Facebook](#)

Follow Big South Fork NRRRA on [Twitter](#) and Follow Obed WSR on [Twitter](#)

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**From:** Reynolds, William [mailto:[william\\_f\\_reynolds@nps.gov](mailto:william_f_reynolds@nps.gov)]  
**Sent:** Tuesday, October 08, 2013 4:00 PM  
**To:** Niki Nicholas  
**Cc:** Shawn Bengé; Sue Waldron; Michael Litterst; David Horne  
**Subject:** DRAFT Talking Points and response to query for BISO - Charit Creek Lodge

Please review and provide me your comments ASAP. I have a 5 p.m. deadline with the reporter.

Thanks,

Bill

--

William F. Reynolds

Assistant Regional Director

National Park Service Southeast Region

404-507-5612

--

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Assistant Regional Director

National Park Service Southeast Region

404-507-5612

Big South Fork National River and Recreation Area  
Charit Creek Lodge Talking Points  
Tuesday, October 8, 2013

1. Charit Creek Lodge is a Federally-owned facility that operates as a concession under contract with the National Park Service. During the lapse in appropriations, all National Park units are closed. All visitor services, facilities and activities, including those operated or provided by concessioners, are suspended in closed areas until funding is restored.
2. We know that many people who want to visit Big South Fork during this beautiful time of year will be disappointed and we wish the circumstances were different. The shutdown is a very unfortunate situation that has disappointed millions of visitors to national parks across the country and hundreds of other concessioners. Closing national parks and turning away visitors goes against our grain. It was not our choice, but it is our obligation under federal law.
3. We advised the Charit Creek Lodge on Tuesday, October 1, that all National Park visitor services, facilities and activities, including its concession operation, were required to close because of the Federal Government shutdown. They initially complied with that requirement.
4. When NPS found out that the concessioner intended to reopen today, Park rangers contacted them to reiterate the requirement to close and remain closed for the duration of the Federal Government shutdown. We further advised the concessioner that we have an expectation that they will comply with the closure, and opening the lodge would be in violation of the concession contract.
5. We respectfully ask the concessioner, our neighbors and visitors to honor the closure. Opening the lodge will subject the concessioner to the possibility of legal action that will be determined after review by Department of the Interior solicitors.
7. Big South Fork National River and Recreation Area continues to have Park Rangers available to respond to public safety needs and to protect resources and park facilities.
8. We reiterate that we know these closures are a great disappointment to visitors and a hardship for all employees, including those of the concessioners, and we wish the situation was different.

## Young, Deirdre R

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**From:** Niki Nicholas <niki\_nicholas@nps.gov>  
**Sent:** Tuesday, October 08, 2013 4:22 PM  
**To:** William Reynolds  
**Cc:** Shawn Bengel; Suzanne Waldron; Michael Litterst; David Horne  
**Subject:** RE: DRAFT Talking Points and response to query for BISO - Charit Creek Lodge  
**Attachments:** BISO - Charit Crk Lodge tlkg pts - 100813.docx

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Niki Stephanie Nicholas  
Superintendent  
Big South Fork National River & Recreation Area  
Obed Wild & Scenic River  
4564 Leatherwood Road  
Oneida, Tennessee 37841  
423-569-9778  
[niki\\_nicholas@nps.gov](mailto:niki_nicholas@nps.gov)

[www.nps.gov/biso](http://www.nps.gov/biso) and [www.nps.gov/obed](http://www.nps.gov/obed)  
Like Big South Fork NRRRA on [Facebook](#) and Like Obed WSR on [Facebook](#)  
Follow Big South Fork NRRRA on [Twitter](#) and Follow Obed WSR on [Twitter](#)

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**From:** Reynolds, William [mailto:[william\\_f\\_reynolds@nps.gov](mailto:william_f_reynolds@nps.gov)]  
**Sent:** Tuesday, October 08, 2013 4:00 PM  
**To:** Niki Nicholas  
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William F. Reynolds  
Assistant Regional Director  
National Park Service Southeast Region  
404-507-5612

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Charit Creek Lodge Talking Points  
Tuesday, October 8, 2013

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2. We know that many people who want to visit Big South Fork during this beautiful time of year will be disappointed and we wish the circumstances were different. The shutdown is a very unfortunate situation that has disappointed millions of visitors to national parks across the country and hundreds of other concessioners. Closing the national parks and turning away visitors is not in our DNA. It was not our choice, but it is our obligation under federal law.

**Comment [N1]:** I think you might leave the DNA reference out given some of the audience.

3. We advised the Charit Creek Lodge on Tuesday, October 1, that all National Park visitor services, facilities and activities, including its concession operation, were required to close because of the Federal Government shutdown. They initially complied with that requirement and closed.

**Comment [N2]:** FYI. We notified the concessionaire of the possibility of a shutdown on Friday Sept 27.

4. When NPS found out that the concessioner intended to reopen today, Park rangers contacted (b) (5) to reiterate the requirement to close and remain closed for the duration of the Federal Government shutdown. We further advised the concessioner that we have an expectation that (b) will comply with the closure and that opening the lodge would be in violation of (b) concession contract.

**Comment [N3]:** (b) (5) I cannot get Larry to take my calls and he is not the one that reads the emails. However I have talked with his staff and his staff are the ones that read the emails.

5. We respectfully ask the concessioner, our neighbors and visitors to honor the closure. Opening the lodge will subject the concessioner to the possibility of legal action that will be determined after review by Department of the Interior solicitors.

7. Big South Fork National River and Recreation Area continues to have Park Rangers available to respond to public safety needs and to protect resources and park facilities.

8. We reiterate that we know these closures are a great disappointment to visitors and a hardship for all employees, including those of the concessioners, and we wish the situation was different.

## Young, Deirdre R

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**Sent:** Tuesday, October 08, 2013 4:00 PM  
**To:** Niki Nicholas  
**Cc:** Shawn Bengel; Sue Waldron; Michael Litterst; David Horne  
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**Attachments:** BISO - Charit Crk Lodge tlkg pts - 100813.docx

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404-507-5612

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Charit Creek Lodge Talking Points  
Tuesday, October 8, 2013

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## Young, Deirdre R

---

**From:** Reynolds, William <william\_f\_reynolds@nps.gov>  
**Sent:** Saturday, October 05, 2013 4:05 PM  
**To:** Waldron, Suzanne  
**Cc:** Holda, Cyndy; Mike Litterst; Darrell Echols; Stan Austin; Shawn Benge; David Horne; Peggy O'Dell  
**Subject:** Re: DRAFT Talking Points - Avon Pier  
**Attachments:** CAHA - Avon Pier tlking pts - 100513\_sue.docx

Okay, I think this gets it - Revised Final Draft - incorporating Cyndy's and Sue's revisions.  
Thanks to all for the quick turnaround!  
Bill

On Sat, Oct 5, 2013 at 3:44 PM, Waldron, Suzanne <[sue\\_waldron@nps.gov](mailto:sue_waldron@nps.gov)> wrote:  
here you go

On Sat, Oct 5, 2013 at 3:36 PM, William Reynolds <[william\\_f\\_reynolds@nps.gov](mailto:william_f_reynolds@nps.gov)> wrote:  
Waiting for Sue's cmts. Will incorporate all changes then.  
Bill

---

**From:** Holda, Cyndy [mailto:[cyndy\\_holda@nps.gov](mailto:cyndy_holda@nps.gov)]  
**Sent:** Saturday, October 05, 2013 12:29 PM  
**To:** Reynolds, William <[william\\_f\\_reynolds@nps.gov](mailto:william_f_reynolds@nps.gov)>  
**Cc:** Michael Litterst <[mike\\_litterst@nps.gov](mailto:mike_litterst@nps.gov)>; Darrell Echols <[darrell\\_echols@nps.gov](mailto:darrell_echols@nps.gov)>; Stan Austin <[stan\\_austin@nps.gov](mailto:stan_austin@nps.gov)>; Shawn Benge <[shawn\\_benge@nps.gov](mailto:shawn_benge@nps.gov)>; Sue Waldron <[Sue\\_Waldron@nps.gov](mailto:Sue_Waldron@nps.gov)>; David Horne <[david\\_horne@nps.gov](mailto:david_horne@nps.gov)>  
**Subject:** Re: DRAFT Talking Points - Avon Pier

Bill,  
Will you make those changes?  
And we're awaiting comments from Sue Waldron in WASO before proceeding.  
Cyndy

On Sat, Oct 5, 2013 at 3:28 PM, Reynolds, William <[william\\_f\\_reynolds@nps.gov](mailto:william_f_reynolds@nps.gov)> wrote:  
Thanks, Mike! I like that.  
Bill

On Sat, Oct 5, 2013 at 3:24 PM, Michael Litterst <[mike\\_litterst@nps.gov](mailto:mike_litterst@nps.gov)> wrote:  
Bill:

In similar situations at other parks we've explained the necessity of closures by saying something to the effect that "Keeping visitors out of national parks is not in our DNA. It is not our choice, but it is our obligation under federal law." That may help along with the "not fair to other concessioners" reasoning.

Mike

Mike Litterst  
Chief Spokesperson (Acting)  
National Park Service  
1849 C Street NW room 3310  
Washington, D.C. 20240  
202-513-0354 -office  
202-306-4166 - mobile

On Oct 5, 2013, at 2:59 PM, "Reynolds, William"  
<[william\\_f\\_reynolds@nps.gov](mailto:william_f_reynolds@nps.gov)> wrote:

> Please see attached for your review and comment prior to going final.  
> I will incorporate recommended changes and issue a final.  
> Thanks,  
> Bill  
>  
> --  
> William F. Reynolds  
> Assistant Regional Director  
> National Park Service Southeast Region  
> 404-507-5612  
>  
> <CAHA - Avon Pier tlking pts - 100513.docx>

--  
William F. Reynolds  
Assistant Regional Director  
National Park Service Southeast Region  
404-507-5612

--  
Cyndy M. Holda  
Public Affairs Specialist  
Outer Banks Group  
252-475-9034  
252-216-6455 cell  
252-473-2595 fax

--

Sue Waldron  
Assistant Director, Communications  
National Park Service  
(202) 208-3046  
Visit us at [www.nps.gov](http://www.nps.gov)

The National Park Service cares for special places saved by the American people so that all may experience our heritage.

EXPERIENCE YOUR AMERICA

--

William F. Reynolds  
Assistant Regional Director  
National Park Service Southeast Region  
404-507-5612

Cape Hatteras National Seashore – Avon Pier  
Talking Points  
Saturday, October 5, 2013

1. The Avon Pier is a Federally-owned facility that operates as a concession under contract with the National Park Service. During the lapse in appropriations, all National Park units are closed.

(b) (5) All visitor services, facilities and activities, including those operated or provided by concessioners, are closed or suspended until funding is restored.

2. We know that many people who want to visit and fish off of the pier will be disappointed and we wish the circumstances were different. The shutdown is ~~is~~ a very unfortunate situation that has disappointed millions of and visitors to national parks across the country and hundreds of other concessioners. (b) (5)

(b) (5)  
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Formatted: Font: (Default) Times New Roman, 12 pt

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3. We advised the Avon Pier on Tuesday, October 1, that all National Park visitor services, facilities and activities, including its concession operation, were required to close because of the Federal Government shutdown. **They initially complied with that requirement and closed.**

4. When NPS found out (b) (5) that the pier was open today, Park Rangers will contact the pier manager this afternoon to reiterate the requirement to close and to work with the concessioner on an orderly closure.

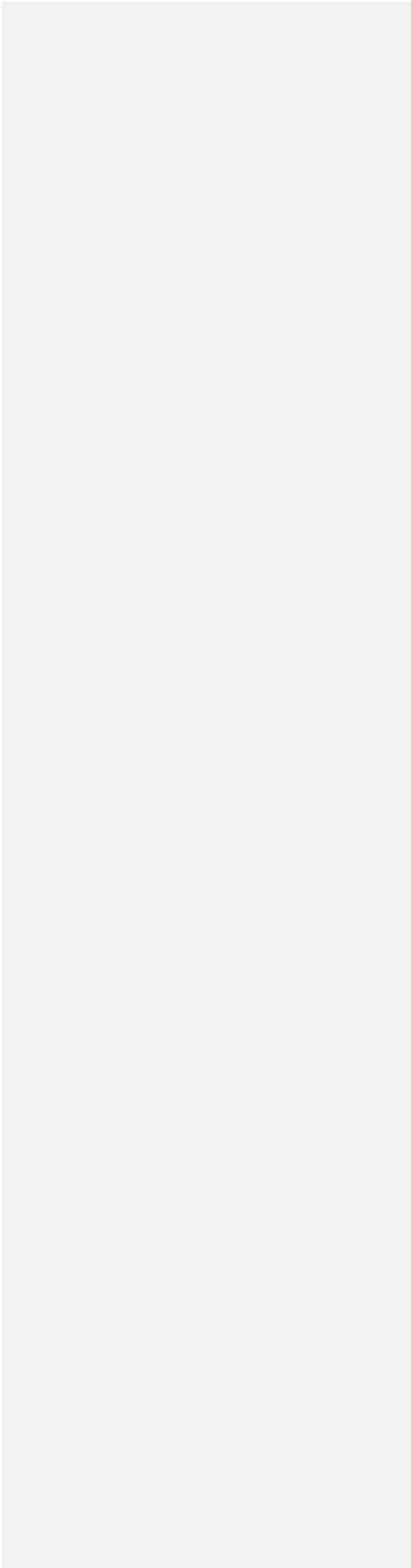
5. (b) (5) We respectfully ask our neighbors and visitors to honor the closure.

(b) (5)

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7. Cape Hatteras National Seashore continues to have Park Rangers available to respond to public safety needs and to protect resources and park facilities. Seashore law enforcement continuously coordinates with local Fire and Sheriff's Departments for public health and safety.

8. (b) (5) These closures are a great disappointment to (b) (5) visitors and a hardship for all employees, including those of the concessioners, and we wish the situation was different.



## Young, Deirdre R

---

**From:** Waldron, Suzanne <sue\_waldron@nps.gov>  
**Sent:** Saturday, October 05, 2013 3:49 PM  
**To:** Kate Kelly; Blake Androff  
**Cc:** Mike Litterst  
**Subject:** Fwd: DRAFT Talking Points - Avon Pier  
**Attachments:** CAHA - Avon Pier tlking pts - 100513\_sue.docx

just an fyi - several issues in NC - this one is a concession pier

others seem to have settled to a simmer

----- Forwarded message -----

**From:** Waldron, Suzanne <sue\_waldron@nps.gov>  
**Date:** Sat, Oct 5, 2013 at 3:44 PM  
**Subject:** Re: DRAFT Talking Points - Avon Pier  
**To:** William Reynolds <william\_f\_reynolds@nps.gov>  
**Cc:** "Holda, Cyndy" <Cyndy\_Holda@nps.gov>, Mike Litterst <mike\_litterst@nps.gov>, Darrell Echols <darrell\_echols@nps.gov>, Stan Austin <stan\_austin@nps.gov>, Shawn Benge <shawn\_benge@nps.gov>, David Horne <david\_horne@nps.gov>, Peggy O'Dell <Peggy\_O'Dell@nps.gov>

here you go

On Sat, Oct 5, 2013 at 3:36 PM, William Reynolds <william\_f\_reynolds@nps.gov> wrote:  
Waiting for Sue's cmts. Will incorporate all changes then.  
Bill

---

**From:** Holda, Cyndy [mailto:cyndy\_holda@nps.gov]  
**Sent:** Saturday, October 05, 2013 12:29 PM  
**To:** Reynolds, William <william\_f\_reynolds@nps.gov>  
**Cc:** Michael Litterst <mike\_litterst@nps.gov>; Darrell Echols <darrell\_echols@nps.gov>; Stan Austin <stan\_austin@nps.gov>; Shawn Benge <shawn\_benge@nps.gov>; Sue Waldron <Sue\_Waldron@nps.gov>; David Horne <david\_horne@nps.gov>  
**Subject:** Re: DRAFT Talking Points - Avon Pier

Bill,  
Will you make those changes?  
And we're awaiting comments from Sue Waldron in WASO before proceeding.  
Cyndy

On Sat, Oct 5, 2013 at 3:28 PM, Reynolds, William <william\_f\_reynolds@nps.gov> wrote:  
Thanks, Mike! I like that.  
Bill

On Sat, Oct 5, 2013 at 3:24 PM, Michael Litterst <mike\_litterst@nps.gov> wrote:  
Bill:

In similar situations at other parks we've explained the necessity of closures by saying something to the effect that "Keeping visitors out of national parks is not in our DNA. It is not our choice, but it is our obligation under federal law." That may help along with the "not fair to other concessioners" reasoning.

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## Young, Deirdre R

---

**From:** Waldron, Suzanne <sue\_waldron@nps.gov>  
**Sent:** Saturday, October 05, 2013 3:45 PM  
**To:** William Reynolds  
**Cc:** Holda, Cyndy; Mike Litterst; Darrell Echols; Stan Austin; Shawn Benge; David Horne; Peggy O'Dell  
**Subject:** Re: DRAFT Talking Points - Avon Pier  
**Attachments:** CAHA - Avon Pier tlking pts - 100513\_sue.docx

here you go

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**Sent:** Saturday, October 05, 2013 12:29 PM  
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**Cc:** Michael Litterst <[mike\\_litterst@nps.gov](mailto:mike_litterst@nps.gov)>; Darrell Echols <[darrell\\_echols@nps.gov](mailto:darrell_echols@nps.gov)>; Stan Austin <[stan\\_austin@nps.gov](mailto:stan_austin@nps.gov)>; Shawn Benge <[shawn\\_benge@nps.gov](mailto:shawn_benge@nps.gov)>; Sue Waldron <[Sue\\_Waldron@nps.gov](mailto:Sue_Waldron@nps.gov)>; David Horne <[david\\_horne@nps.gov](mailto:david_horne@nps.gov)>  
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## Young, Deirdre R

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**Sent:** Saturday, October 05, 2013 3:36 PM  
**To:** [Cyndy\\_Holda@nps.gov](mailto:Cyndy_Holda@nps.gov)  
**Cc:** [mike\\_litterst@nps.gov](mailto:mike_litterst@nps.gov); [darrell\\_echols@nps.gov](mailto:darrell_echols@nps.gov); [stan\\_austin@nps.gov](mailto:stan_austin@nps.gov); [shawn\\_benge@nps.gov](mailto:shawn_benge@nps.gov); [Sue\\_Waldron@nps.gov](mailto:Sue_Waldron@nps.gov); [david\\_horne@nps.gov](mailto:david_horne@nps.gov)  
**Subject:** Re: DRAFT Talking Points - Avon Pier

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**To:** Reynolds, William <[william\\_f\\_reynolds@nps.gov](mailto:william_f_reynolds@nps.gov)>  
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> <CAHA - Avon Pier tlking pts - 100513.docx>

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## Young, Deirdre R

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**To:** Michael Litterst  
**Cc:** Cyndy Holda; Darrell Echols; Stan Austin; Shawn Benge; Sue Waldron; David Horne  
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--

William F. Reynolds  
Assistant Regional Director  
National Park Service Southeast Region  
404-507-5612

## Young, Deirdre R

---

**From:** Maureen Foster <[maureen\\_foster@nps.gov](mailto:maureen_foster@nps.gov)>  
**Sent:** Wednesday, October 02, 2013 3:58 PM  
**To:** Peggy O'Dell; Sue Waldron; Jon Jarvis  
**Subject:** Fwd: Need background on why concessions have to close

Waiting to see if this works b

Maureen D. Foster  
National Park Service  
202.208.5970

Begin forwarded message:

**From:** "McDowall, Lena" <[lena\\_mcdowall@nps.gov](mailto:lena_mcdowall@nps.gov)>  
**Date:** October 2, 2013, 3:48:28 PM EDT  
**To:** "Foster, Maureen" <[maureen\\_foster@nps.gov](mailto:maureen_foster@nps.gov)>  
**Subject:** Re: Need background on why concessions have to close

Will something like this work?

(b) (5)



On Wed, Oct 2, 2013 at 3:24 PM, Foster, Maureen <[maureen\\_foster@nps.gov](mailto:maureen_foster@nps.gov)> wrote:  
I looked at the 2 pieces on InsideNPS but didn't see anything.

We need it ASAP for upstairs.

---

Maureen D. Foster  
Chief of Staff  
National Park Service  
1849 C Street, NW, Room 3114  
Washington, DC 20240  
202.208.5970 (direct)  
202.208.3818 (main)

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Lena McDowall

Associate Director, Business Services

Ph: (202) 208-5651

Cell: (202) 641-1814

Email: [Lena\\_McDowall@nps.gov](mailto:Lena_McDowall@nps.gov)

**Young, Deirdre R**

---

**From:** Haze, Pam <pam\_haze@ios.doi.gov>  
**Sent:** Friday, October 04, 2013 4:15 PM  
**To:** Sheaffer, Bruce  
**Subject:** Re: Questions for Follow Up on NPS

I think it is good. Should I send to craig?

On Fri, Oct 4, 2013 at 11:19 AM, Sheaffer, Bruce <[bruce\\_sheaffer@nps.gov](mailto:bruce_sheaffer@nps.gov)> wrote:

(b) (5)

----- Forwarded message -----

**From:** Roth, Barry <[barry.roth@sol.doi.gov](mailto:barry.roth@sol.doi.gov)>  
**Date:** Fri, Oct 4, 2013 at 8:09 AM  
**Subject:** Re: Questions for Follow Up on NPS  
**To:** "Sheaffer, Bruce" <[bruce\\_sheaffer@nps.gov](mailto:bruce_sheaffer@nps.gov)>, Edward Boling <[ted.boling@sol.doi.gov](mailto:ted.boling@sol.doi.gov)>, Pam Haze <[pam\\_haze@ios.doi.gov](mailto:pam_haze@ios.doi.gov)>

If we need to say something in this regard, we suggest the following:

(b) (5)

Barry N. Roth  
Associate Solicitor  
Division of Parks & Wildlife  
202-208-4344  
Fax: 202-208-3877  
[Barry.Roth@sol.doi.gov](mailto:Barry.Roth@sol.doi.gov)

This email is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee of or agent responsible for delivery of this email to the intended recipient,

you are hereby notified that its dissemination, distribution, copying or use of this email is strictly prohibited. If you received this email in error, please notify the sender immediately and destroy all copies.

On Thu, Oct 3, 2013 at 5:39 PM, Sheaffer, Bruce <[bruce\\_sheaffer@nps.gov](mailto:bruce_sheaffer@nps.gov)> wrote:

----- Forwarded message -----

From: **Haze, Pam** <[pam\\_haze@ios.doi.gov](mailto:pam_haze@ios.doi.gov)>  
Date: Thu, Oct 3, 2013 at 5:13 PM  
Subject: Fwd: Questions for Follow Up on NPS  
To: Bruce Sheaffer <[Bruce\\_Sheaffer@nps.gov](mailto:Bruce_Sheaffer@nps.gov)>

----- Forwarded message -----

From: **Crutchfield, Craig** <[Craig\\_Crutchfield@omb.eop.gov](mailto:Craig_Crutchfield@omb.eop.gov)>  
Date: Thu, Oct 3, 2013 at 4:22 PM  
Subject: RE: Questions for Follow Up on NPS  
To: Pam Haze <[pam\\_haze@ios.doi.gov](mailto:pam_haze@ios.doi.gov)>, "Moss, Adrienne" <[adrienne\\_moss@ios.doi.gov](mailto:adrienne_moss@ios.doi.gov)>  
Cc: Denise Flanagan <[Denise\\_Flanagan@ios.doi.gov](mailto:Denise_Flanagan@ios.doi.gov)>, "Hoef, Jennifer E." <[Jennifer\\_E\\_Hoef@omb.eop.gov](mailto:Jennifer_E_Hoef@omb.eop.gov)>, "Burnett, Ben" <[Benjamin\\_Burnett@omb.eop.gov](mailto:Benjamin_Burnett@omb.eop.gov)>

Here's one thought to (b) (5) although I would like to know what the Solicitor's Office thinks.

(b) (5)

---

**From:** Crutchfield, Craig  
**Sent:** Thursday, October 03, 2013 3:41 PM  
**To:** 'Pam Haze'; Moss, Adrienne  
**Cc:** Denise Flanagan; Hoef, Jennifer E.; Burnett, Ben  
**Subject:** RE: Questions for Follow Up on NPS

(b) (5)

(b) (5)

---

**From:** Pam Haze [[mailto:pam\\_haze@ios.doi.gov](mailto:pam_haze@ios.doi.gov)]  
**Sent:** Thursday, October 03, 2013 3:27 PM  
**To:** Moss, Adrienne  
**Cc:** Crutchfield, Craig; Denise Flanagan; Hoef, Jennifer E.; Burnett, Ben  
**Subject:** Re: Questions for Follow Up on NPS

(b) (5)

Sent from my iPhone

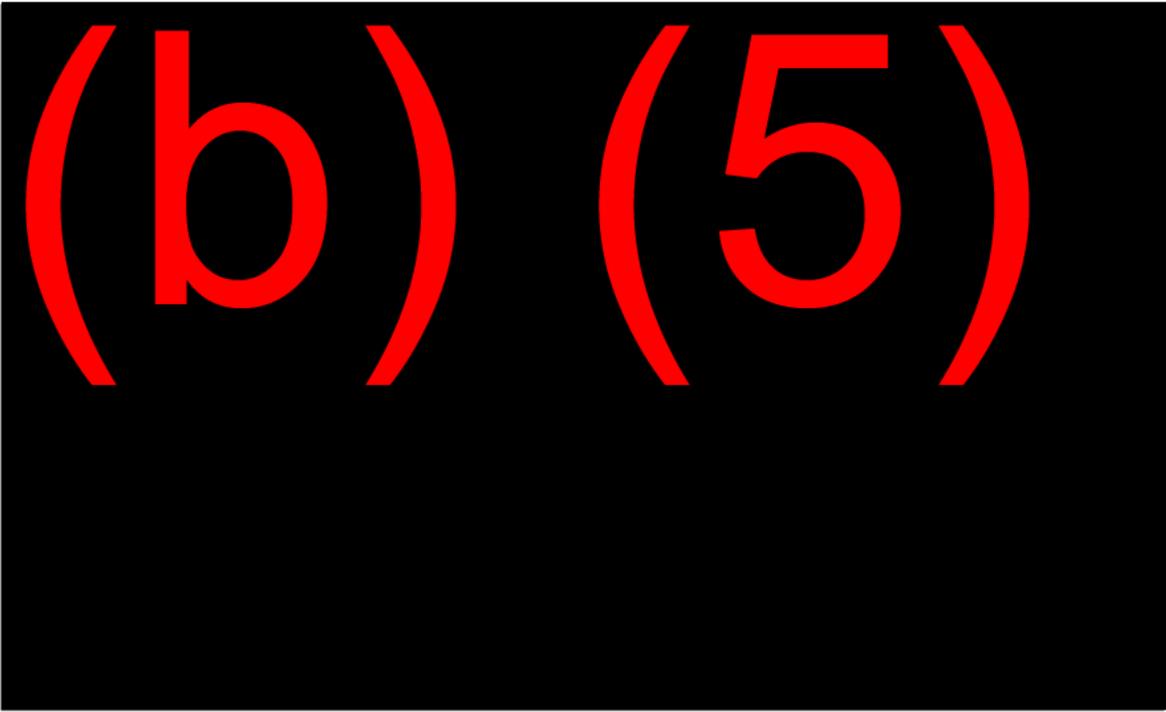
On Oct 3, 2013, at 3:19 PM, "Moss, Adrienne" <[adrienne\\_moss@ios.doi.gov](mailto:adrienne_moss@ios.doi.gov)> wrote:

Craig,

Below is a statement which NPS pulled together which relates to your questions. It addresses the three points you raised: (b) (5)

(b) (5)

(b) (5)



--  
C. Bruce Sheaffer  
Comptroller  
National Park Service  
202-208-4566  
[bruce\\_sheaffer@nps.gov](mailto:bruce_sheaffer@nps.gov)

--  
C. Bruce Sheaffer  
Comptroller  
National Park Service  
202-208-4566  
[bruce\\_sheaffer@nps.gov](mailto:bruce_sheaffer@nps.gov)

**Young, Deirdre R**

---

**From:** Roth, Barry <barry.roth@sol.doi.gov>  
**Sent:** Friday, October 04, 2013 8:09 AM  
**To:** Sheaffer, Bruce; Edward Boling; Pam Haze  
**Subject:** Re: Questions for Follow Up on NPS

If we need to say something in this regard, we suggest the following:



Barry N. Roth  
Associate Solicitor  
Division of Parks & Wildlife  
202-208-4344  
Fax: 202-208-3877  
[Barry.Roth@sol.doi.gov](mailto:Barry.Roth@sol.doi.gov)

This email is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee of or agent responsible for delivery of this email to the intended recipient, you are hereby notified that its dissemination, distribution, copying or use of this email is strictly prohibited. If you received this email in error, please notify the sender immediately and destroy all copies.

On Thu, Oct 3, 2013 at 5:39 PM, Sheaffer, Bruce <[bruce\\_sheaffer@nps.gov](mailto:bruce_sheaffer@nps.gov)> wrote:

----- Forwarded message -----

**From:** Haze, Pam <[pam\\_haze@ios.doi.gov](mailto:pam_haze@ios.doi.gov)>  
**Date:** Thu, Oct 3, 2013 at 5:13 PM  
**Subject:** Fwd: Questions for Follow Up on NPS  
**To:** Bruce Sheaffer <[Bruce\\_Sheaffer@nps.gov](mailto:Bruce_Sheaffer@nps.gov)>

----- Forwarded message -----

From: **Crutchfield, Craig** <[Craig\\_Crutchfield@omb.eop.gov](mailto:Craig_Crutchfield@omb.eop.gov)>

Date: Thu, Oct 3, 2013 at 4:22 PM

Subject: RE: Questions for Follow Up on NPS

To: Pam Haze <[pam\\_haze@ios.doi.gov](mailto:pam_haze@ios.doi.gov)>, "Moss, Adrienne" <[adrienne\\_moss@ios.doi.gov](mailto:adrienne_moss@ios.doi.gov)>

Cc: Denise Flanagan <[Denise\\_Flanagan@ios.doi.gov](mailto:Denise_Flanagan@ios.doi.gov)>, "Hoef, Jennifer E."

<[Jennifer\\_E\\_Hoef@omb.eop.gov](mailto:Jennifer_E_Hoef@omb.eop.gov)>, "Burnett, Ben" <[Benjamin\\_Burnett@omb.eop.gov](mailto:Benjamin_Burnett@omb.eop.gov)>

Here's one thought (b) (5) although I would like to know what the Solicitor's Office thinks.

(b) (5)

---

**From:** Crutchfield, Craig

**Sent:** Thursday, October 03, 2013 3:41 PM

**To:** 'Pam Haze'; Moss, Adrienne

**Cc:** Denise Flanagan; Hoef, Jennifer E.; Burnett, Ben

**Subject:** RE: Questions for Follow Up on NPS

(b) (5)

---

**From:** Pam Haze [[mailto:pam\\_haze@ios.doi.gov](mailto:pam_haze@ios.doi.gov)]

**Sent:** Thursday, October 03, 2013 3:27 PM

**To:** Moss, Adrienne

**Cc:** Crutchfield, Craig; Denise Flanagan; Hoef, Jennifer E.; Burnett, Ben

**Subject:** Re: Questions for Follow Up on NPS

(b) (5)

Sent from my iPhone

On Oct 3, 2013, at 3:19 PM, "Moss, Adrienne" <[adrienne\\_moss@ios.doi.gov](mailto:adrienne_moss@ios.doi.gov)> wrote:

Craig,

Below is a statement which NPS pulled together which relates to your questions. It addresses the three points you raised: (b) (5)

(b) (5)

(b) (5)

(b) (5)

--

C. Bruce Sheaffer  
Comptroller  
National Park Service  
202-208-4566  
[bruce\\_sheaffer@nps.gov](mailto:bruce_sheaffer@nps.gov)

Young, Deirdre R

---

**From:** Haze, Pam <pam\_haze@ios.doi.gov>  
**Sent:** Thursday, October 03, 2013 5:13 PM  
**To:** Bruce Sheaffer  
**Subject:** Fwd: Questions for Follow Up on NPS

----- Forwarded message -----

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**Date:** Thu, Oct 3, 2013 at 4:22 PM  
**Subject:** RE: Questions for Follow Up on NPS  
**To:** Pam Haze <[pam\\_haze@ios.doi.gov](mailto:pam_haze@ios.doi.gov)>, "Moss, Adrienne" <[adrienne\\_moss@ios.doi.gov](mailto:adrienne_moss@ios.doi.gov)>  
**Cc:** Denise Flanagan <[Denise\\_Flanagan@ios.doi.gov](mailto:Denise_Flanagan@ios.doi.gov)>, "Hoef, Jennifer E." <[Jennifer\\_E\\_Hoef@omb.eop.gov](mailto:Jennifer_E_Hoef@omb.eop.gov)>, "Burnett, Ben" <[Benjamin\\_Burnett@omb.eop.gov](mailto:Benjamin_Burnett@omb.eop.gov)>

Here's one thought to (b) (5) although I would like to know what the Solicitor's Office thinks.

(b) (5)

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**From:** Crutchfield, Craig  
**Sent:** Thursday, October 03, 2013 3:41 PM  
**To:** 'Pam Haze'; Moss, Adrienne  
**Cc:** Denise Flanagan; Hoef, Jennifer E.; Burnett, Ben  
**Subject:** RE: Questions for Follow Up on NPS

(b) (5)

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**From:** Pam Haze [[mailto:pam\\_haze@ios.doi.gov](mailto:pam_haze@ios.doi.gov)]  
**Sent:** Thursday, October 03, 2013 3:27 PM  
**To:** Moss, Adrienne  
**Cc:** Crutchfield, Craig; Denise Flanagan; Hoef, Jennifer E.; Burnett, Ben  
**Subject:** Re: Questions for Follow Up on NPS

(b) (5)

Sent from my iPhone

On Oct 3, 2013, at 3:19 PM, "Moss, Adrienne" <[adrienne\\_moss@ios.doi.gov](mailto:adrienne_moss@ios.doi.gov)> wrote:

Craig,

Below is a statement which NPS pulled together which relates to your questions. It addresses the three points you raised: (b) (5)

(b) (5)

(b) (5)

(b) (5)

## Young, Deirdre R

---

**From:** Haze, Pam <pam\_haze@ios.doi.gov>  
**Sent:** Friday, October 04, 2013 8:58 AM  
**To:** Bruce Sheaffer; Crutchfield, Craig  
**Subject:** Fwd: Were Grand Canyon and Carlsbad Cavern opened in 1995-1996 shutdown using donations?

The letter was sent - sorry earlier email messages indicated that it hadn't been.

----- Forwarded message -----

**From:** Foster, Maureen <maureen\_foster@nps.gov>  
**Date:** Fri, Oct 4, 2013 at 8:55 AM  
**Subject:** Re: Were Grand Canyon and Carlsbad Cavern opened in 1995-1996 shutdown using donations?  
**To:** "Androff, Blake" <blake\_androff@ios.doi.gov>  
**Cc:** Suzanne Waldron <Sue\_Waldron@nps.gov>, Michael Litterst <Mike\_Litterst@nps.gov>, Katherine Kelly <Kate\_Kelly@ios.doi.gov>, Pam Haze <Pam\_Haze@ios.doi.gov>, Denise Flanagan <Denise\_Flanagan@ios.doi.gov>, Adrienne Moss <Adrienne\_Moss@ios.doi.gov>

It was sent yesterday

---

Maureen D. Foster  
Chief of Staff  
National Park Service  
1849 C Street, NW, Room 3114  
Washington, DC 20240  
202.208.5970 (direct)  
202.208.3818 (main)

EXPERIENCE YOUR AMERICA  
The National Park Service cares for special places  
saved by the American people,  
so that all may experience our heritage.

On Fri, Oct 4, 2013 at 8:47 AM, Androff, Blake <blake\_androff@ios.doi.gov> wrote:  
Pam -- Looping NPS. I thought Maureen said this letter was sent last night. Can someone clarify?

----- Forwarded message -----

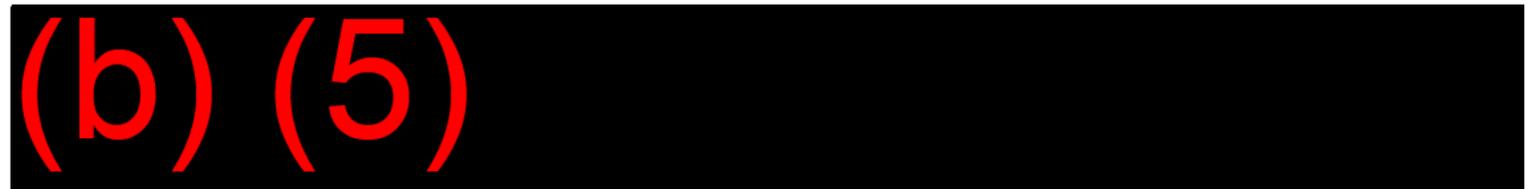
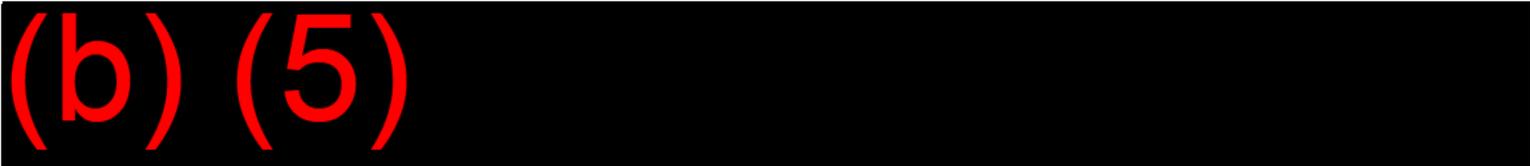
**From:** Haze, Pam <pam\_haze@ios.doi.gov>  
**Date:** Fri, Oct 4, 2013 at 8:18 AM  
**Subject:** Re: Were Grand Canyon and Carlsbad Cavern opened in 1995-1996 shutdown using donations?  
**To:** "Crutchfield, Craig" <Craig\_Crutchfield@omb.eop.gov>  
**Cc:** "Denise A. Flanagan (Denise\_Flanagan@ios.doi.gov)" <Denise\_Flanagan@ios.doi.gov>, "Adrienne Moss (Adrienne\_Moss@ios.doi.gov)" <Adrienne\_Moss@ios.doi.gov>, "Blake Androff (Blake\_Androff@ios.doi.gov)" <Blake\_Androff@ios.doi.gov>, "Burnett, Ben"

<[Benjamin\\_Burnett@omb.eop.gov](mailto:Benjamin_Burnett@omb.eop.gov)>, "Hoef, Jennifer E." <[Jennifer\\_E.\\_Hoef@omb.eop.gov](mailto:Jennifer_E._Hoef@omb.eop.gov)>



On Fri, Oct 4, 2013 at 8:02 AM, Haze, Pam <[pam\\_haze@ios.doi.gov](mailto:pam_haze@ios.doi.gov)> wrote:  
Craig we are going to send this letter this morning. Wanted to make sure you are aware.

On Thu, Oct 3, 2013 at 6:10 PM, Crutchfield, Craig <[Craig\\_Crutchfield@omb.eop.gov](mailto:Craig_Crutchfield@omb.eop.gov)> wrote:



## GOVERNMENT SHUTDOWN: Obama admin dusts off Clinton's 1995 playbook

Robin Bravender and Emily Yehle, E&E reporters

Published: Thursday, October 3, 2013

Gridlock engulfed Capitol Hill, the gates at Grand Canyon were locked, and federal workers went home, wondering if they'd make their mortgage payments.

It was 1995.

The current federal shutdown is looking eerily like the scene nearly two decades ago, when the Clinton administration faced off against then-House Speaker Newt Gingrich. Then, like now, there was widespread outcry about access to national parks, federal workers fretted over getting their paychecks, and Democratic agency heads hunkered down -- blaming it all on the GOP-led House.

Some of the headlines from the winter of 1995-96 might sound familiar.

"National parks shut down" was a Nov. 17, 1995, story from United Press International. "Budget impasse halts cleanup at Superfund sites," said a Jan. 5, 1996, story in the *Journal of Commerce*. A Jan. 6, 1996, headline in the Newark, N.J., *Star-Ledger* said, "Idled federal workers face own budget ills."

While the political disagreement was the same then as now -- Republicans wanted to cut the budget, and even used the debt ceiling as leverage -- the details differed. In 1995, House Republicans had a regular spending bill they wanted to pass, and the White House didn't like the cuts. This time around, politicians are fighting over an Obamacare rider; the stopgap funding bill is along for the ride.

But when it comes to PR, the Obama administration appears to be taking a page out of President Clinton's 1995 playbook.

Then -- as now -- the national parks were used as a poster child to tug on heartstrings across America and highlight the perils of the shutdown. Park rangers herded tourists out of Yosemite, Grand Canyon and Yellowstone and locked the gates in November under the first of two shutdowns in 1995. (b) (5)

(b) (5)

The administration's strategy: Hunker down and blame the GOP as outrage grows over the lack of federal services. So far, agency heads have canceled their speaking plans and aren't launching any public relations offensives to rail against the shuttering of their offices.

EPA chief Gina McCarthy has had no public meetings since the shutdown began three days ago, according to her public schedule, and she canceled a speaking event scheduled for today. Interior Secretary Sally Jewell canceled her plans to travel to the Society of Environmental Journalists conference this week, and she's been working out of the agency's Washington headquarters, according to an agency spokeswoman.

Top agency officials took a similar approach the last time around.

"My recollection is that Carol [Browner] and all other political appointees at EPA were not engaged in public activities during the shutdown," said David Gardiner, who served as EPA's policy chief during the Clinton administration. "We were at EPA working on keeping the place running during the shutdown and not traveling or doing public activities."

Gardiner said one of then-EPA Administrator Browner's most pressing activities at the time was recording regular updates for employees who called in to check on the status of the shutdown.

But that strategy started to change as shutdowns became commonplace.

On the eve of the second shutdown in 1995, Vice President Al Gore visited a water treatment plant in Maryland to hammer the Republican budget for threatening water quality. Joined by Browner, he listed cuts to wastewater treatment funding, environmental programs and state drinking water funds.

"Safe, clean water is the first line of defense in protecting public health, protecting our children and our families, and protecting the basic values that are fundamental to the American quality of life," Gore said, according to a press release at the time. "We must not allow the Republican budget to roll back the progress of the past 25 years."

And at the end of December 1995, as the second shutdown continued, EPA officials started to speak out about the perils posed by Superfund sites that faced funding shortfalls.

"We're very concerned about the one-quarter of Americans who live within 4 miles of a Superfund site," Browner told Reuters in late December. EPA was on the cusp of halting work at sites except those that posed an "imminent threat" to public health or the environment.

--  
**Blake Androff**  
Deputy Director of Communications  
U.S. Department of the Interior  
Office: (202) 208-6416 | Cell: (202) 725-7435

**Young, Deirdre R**

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**From:** Haze, Pam <pam\_haze@ios.doi.gov>  
**Sent:** Friday, October 04, 2013 8:15 AM  
**To:** Bruce Sheaffer  
**Subject:** Fwd: Were Grand Canyon and Carlsbad Cavern opened in 1995-1996 shutdown using donations?

----- Forwarded message -----

**From:** Crutchfield, Craig <Craig\_Crutchfield@omb.eop.gov>  
**Date:** Thu, Oct 3, 2013 at 6:10 PM  
**Subject:** Were Grand Canyon and Carlsbad Cavern opened in 1995-1996 shutdown using donations?  
**To:** Pam Haze <Pam\_Haze@ios.doi.gov>, "Denise A. Flanagan ([Denise\\_Flanagan@ios.doi.gov](mailto:Denise_Flanagan@ios.doi.gov))" <[Denise\\_Flanagan@ios.doi.gov](mailto:Denise_Flanagan@ios.doi.gov)>, "Adrianne Moss ([Adrianne\\_Moss@ios.doi.gov](mailto:Adrianne_Moss@ios.doi.gov))" <[Adrianne\\_Moss@ios.doi.gov](mailto:Adrianne_Moss@ios.doi.gov)>, "Blake Androff ([Blake\\_Androff@ios.doi.gov](mailto:Blake_Androff@ios.doi.gov))" <[Blake\\_Androff@ios.doi.gov](mailto:Blake_Androff@ios.doi.gov)>  
**Cc:** "Burnett, Ben" <[Benjamin\\_Burnett@omb.eop.gov](mailto:Benjamin_Burnett@omb.eop.gov)>, "Hoef, Jennifer E." <[Jennifer\\_E\\_Hoef@omb.eop.gov](mailto:Jennifer_E_Hoef@omb.eop.gov)>

(b) (5)

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## Young, Deirdre R

---

**From:** Sheaffer, Bruce <bruce\_sheaffer@nps.gov>  
**Sent:** Friday, October 04, 2013 9:18 AM  
**To:** Lena McDowall  
**Subject:** Fwd: Questions for Follow Up on NPS

come discuss this

----- Forwarded message -----

**From:** Roth, Barry <barry.roth@sol.doi.gov>  
**Date:** Fri, Oct 4, 2013 at 8:09 AM  
**Subject:** Re: Questions for Follow Up on NPS  
**To:** "Sheaffer, Bruce" <bruce\_sheaffer@nps.gov>, Edward Boling <ted.boling@sol.doi.gov>, Pam Haze <pam\_haze@ios.doi.gov>

If we need to say something in this regard, we suggest the following:



Barry N. Roth  
Associate Solicitor  
Division of Parks & Wildlife  
202-208-4344  
Fax: 202-208-3877  
[Barry.Roth@sol.doi.gov](mailto:Barry.Roth@sol.doi.gov)

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On Thu, Oct 3, 2013 at 5:39 PM, Sheaffer, Bruce <bruce\_sheaffer@nps.gov> wrote:

----- Forwarded message -----

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Cc: Denise Flanagan <[Denise\\_Flanagan@ios.doi.gov](mailto:Denise_Flanagan@ios.doi.gov)>, "Hoef, Jennifer E." <[Jennifer\\_E\\_Hoef@omb.eop.gov](mailto:Jennifer_E_Hoef@omb.eop.gov)>, "Burnett, Ben" <[Benjamin\\_Burnett@omb.eop.gov](mailto:Benjamin_Burnett@omb.eop.gov)>

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(b) (5)

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**From:** Crutchfield, Craig  
**Sent:** Thursday, October 03, 2013 3:41 PM  
**To:** 'Pam Haze'; Moss, Adrienne  
**Cc:** Denise Flanagan; Hoef, Jennifer E.; Burnett, Ben  
**Subject:** RE: Questions for Follow Up on NPS

(b) (5)

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**To:** Moss, Adrienne  
**Cc:** Crutchfield, Craig; Denise Flanagan; Hoef, Jennifer E.; Burnett, Ben  
**Subject:** Re: Questions for Follow Up on NPS

(b) (5)

(b) (5)

we will

let you know as we have further information on individual instances.

Sent from my iPhone

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Craig,

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(b) (5)

(b) (5)



--  
C. Bruce Sheaffer  
Comptroller  
National Park Service  
202-208-4566  
[bruce\\_sheaffer@nps.gov](mailto:bruce_sheaffer@nps.gov)

--  
C. Bruce Sheaffer  
Comptroller  
National Park Service  
202-208-4566  
[bruce\\_sheaffer@nps.gov](mailto:bruce_sheaffer@nps.gov)