Young, Deirdre R

From: Smith, Patrick <patrick_smith@nps.gov>
Sent: Tuesday, October 08, 2013 11:15 AM
To: O'Toole, Jeanne
Subject: Fwd: Claude Moore Park Update

---------- Forwarded message ----------
From: **Jacobsen, Arthur**
Date: Tuesday, October 8, 2013
Subject: Claude Moore Park Update
To: Robert Maclean <robert_maclean@nps.gov>, Keith Horton <keith_horton@nps.gov>, Victor Chapman <victor_chapman@nps.gov>, Philip Beck <Philip_Beck@nps.gov>, Patrick Smith <Patrick_Smith@nps.gov>
Cc: Terry Felt <Terry_Felt@nps.gov>, Jerry Marshall <Jerry_Marshall@nps.gov>

Lt Marshall met with Anna Eberly at CMP and re-advised her of the closure mandates and regulations. She stated she understood and indicated she has been complying. Ms. Eberly stated she has no knowledge of any pending demonstration, appearance by a member of Congress or the media.

Lt. Marshall located a back gate unlocked and open. He remedied the issued and notified NPS.

All D2 units have cleared and will make hourly checks.

Captain Art Jacobsen
United States Park Police
West District Commander,
Patrol Branch
Office:703-285-2148

--
Major Patrick C. Smith
U.S. Park Police
Commander, Icon Protection Branch
1100 Ohio Drive, SW
Washington, DC 20042
(O) 202-610-7089
(C) 202-345-2819
(patrick_smith@nps.gov)

Young, Deirdre R

From: Jacobsen, Arthur <art_jacobsen@nps.gov>
Sent: Tuesday, October 08, 2013 11:16 AM
To: Philip Beck; Patrick Smith; Robert Maclean
Cc: Keith Horton
Subject: Fwd: Rally at Claude Moore Farm

FYI...Just got this.

Looks like the Demo is set for tomorrow, maybe!

If anyone here's more, please pass it on. Jerry will be coordinating.

Captain Art Jacobsen
United States Park Police
West District Commander,
Patrol Branch
Office:703-285-2148

---------- Forwarded message ----------
From: **Jerry Marshall** <jerry_marshall@nps.gov>
Date: Tue, Oct 8, 2013 at 11:05 AM
Subject: Fwd: Rally at Claude Moore Farm
To: Arthur Jacobsen <art_jacobsen@nps.gov>, Keith Horton <keith_horton@nps.gov>, Jeffery Bloch <jeffrey_bloch@nps.gov>

Fuss

Sent from my iPhone

Begin forwarded message:

> **From:** "Romero, Alex" <alex_romero@nps.gov>
> **Date:** October 8, 2013, 10:43:41 AM EDT
> **To:** undisclosed-recipients:;
> **Subject: Rally at Claude Moore Farm**
>
> I just received an email stating that the rally (or press conference) at Claude Moore is not scheduled for today, it is scheduled for tomorrow. The information came from our regional office and from our WASO legislative office and Representative Don Young. If you hear anything, please let me know what time the rally is scheduled.
>
> Thank you,

Alexcy Romero
Superintendent
George Washington Memorial Parkway
703-289-2500

Young, Deirdre R

From: Jacobsen, Arthur <art_jacobsen@nps.gov>
Sent: Tuesday, October 08, 2013 11:12 AM
To: Robert Maclean; Keith Horton; Victor Chapman; Philip Beck; Patrick Smith
Cc: Terry Felt; Jerry Marshall
Subject: Claude Moore Park Update

Lt Marshall met with Anna Eberly at CMP and re-advised her of the closure mandates and regulations. She stated she understood and indicated she has been complying. Ms. Eberly stated she has no knowledge of any pending demonstration, appearance by a member of Congress or the media.

Lt. Marshall located a back gate unlocked and open. He remedied the issued and notified NPS.

All D2 units have cleared and will make hourly checks.

Captain Art Jacobsen
United States Park Police
West District Commander,
Patrol Branch
Office:703-285-2148

Young, Deirdre R

From: Smith, Patrick <patrick_smith@nps.gov>
Sent: Tuesday, October 08, 2013 9:47 AM
To: Beck, Philip
Subject: Re: Claude Moore Farm Demo today

Thanks Phil

On Tuesday, October 8, 2013, Beck, Philip wrote:
We are thinking that this was yesterday at DOI as we have not been able to locate any new info. If you have any, let us know and we can delve into it more.

On Tue, Oct 8, 2013 at 6:05 AM, Smith, Patrick <patrick_smith@nps.gov> wrote:
Phil.
Please touch base with Jake and see what support he needs with a possible demo at Claude Moore Farm Park involving a protest to the closure by Congressman Don Young.

For all:

I do not know any details it was a late report yesterday afternoon from NPS.
P

--
Major Patrick C. Smith
U.S. Park Police
Commander, Icon Protection Branch
1100 Ohio Drive, SW
Washington, DC 20042
(O) 202-610-7089
(C) 202-345-2819
(patrick_smith@nps.gov)

--
Captain Philip J. Beck
United States Park Police
Commander, Special Forces
Office 202-610-7088
Cell 202-497-0584
Fax 202-426-0612
Email philip_beck@nps.gov

--
Major Patrick C. Smith
U.S. Park Police
Commander, Icon Protection Branch
1100 Ohio Drive, SW
Washington, DC 20042
(O) 202-610-7089
(C) 202-345-2819
(patrick_smith@nps.gov)

Young, Deirdre R

From: Beck, Philip <philip_beck@nps.gov>
Sent: Tuesday, October 08, 2013 9:25 AM
To: Smith, Patrick
Subject: Re: Claude Moore Farm Demo today

We are thinking that this was yesterday at DOI as we have not been able to locate any new info. If you have any, let us know and we can delve into it more.

On Tue, Oct 8, 2013 at 6:05 AM, Smith, Patrick <patrick_smith@nps.gov> wrote:
Phil.
Please touch base with Jake and see what support he needs with a possible demo at Claude Moore Farm Park involving a protest to the closure by Congressman Don Young.

For all:

I do not know any details it was a late report yesterday afternoon from NPS.
P

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--
Captain Philip J. Beck
United States Park Police
Commander, Special Forces
Office 202-610-7088
Cell 202-497-0584
Fax 202-426-0612
Email philip_beck@nps.gov

Young, Deirdre R

From: Beck, Philip <philip_beck@nps.gov>
Sent: Tuesday, October 08, 2013 8:11 AM
To: Smith, Patrick
Subject: Re: Claude Moore Farm Demo today

Working on it

On Tue, Oct 8, 2013 at 8:09 AM, Smith, Patrick <patrick_smith@nps.gov> wrote:
Check with Jake. Not sure about DOI keep me dialed in

On Tuesday, October 8, 2013, Beck, Philip <philip_beck@nps.gov> wrote:
> I thought this was going to be at DOI?
>
> On Tue, Oct 8, 2013 at 6:05 AM, Smith, Patrick <patrick_smith@nps.gov> wrote:
>>
>> Phil.
>> Please touch base with Jake and see what support he needs with a possible demo at Claude Moore Farm Park involving a protest to the closure by Congressman Don Young.
>> For all:
>> I do not know any details it was a late report yesterday afternoon from NPS.
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>> Major Patrick C. Smith
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Captain Philip J. Beck
United States Park Police
Commander, Special Forces
Office 202-610-7088
Cell 202-497-0584
Fax 202-426-0612
Email philip_beck@nps.gov

Young, Deirdre R

From: Smith, Patrick <patrick_smith@nps.gov>
Sent: Tuesday, October 08, 2013 8:09 AM
To: Beck, Philip
Subject: Re: Claude Moore Farm Demo today

Check with Jake. Not sure about DOI keep me dialed in

On Tuesday, October 8, 2013, Beck, Philip <philip_beck@nps.gov> wrote:
> I thought this was going to be at DOI?
>
> On Tue, Oct 8, 2013 at 6:05 AM, Smith, Patrick <patrick_smith@nps.gov> wrote:
>>
>> Phil.
>> Please touch base with Jake and see what support he needs with a possible demo at Claude Moore Farm Park involving a protest to the closure by Congressman Don Young.
>> For all:
>> I do not know any details it was a late report yesterday afternoon from NPS.
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>> --
>> Major Patrick C. Smith
>> U.S. Park Police
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>> 1100 Ohio Drive, SW
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Major Patrick C. Smith
U.S. Park Police
Commander, Icon Protection Branch
1100 Ohio Drive, SW
Washington, DC 20042
(O) 202-610-7089

(C) 202-345-2819
(patrick_smith@nps.gov)

Young, Deirdre R

From: Beck, Philip <philip_beck@nps.gov>
Sent: Tuesday, October 08, 2013 7:36 AM
To: Smith, Patrick
Subject: Re: Claude Moore Farm Demo today

I thought this was going to be at DOI?

On Tue, Oct 8, 2013 at 6:05 AM, Smith, Patrick <patrick_smith@nps.gov> wrote:
Phil.
Please touch base with Jake and see what support he needs with a possible demo at Claude Moore Farm Park involving a protest to the closure by Congressman Don Young.

For all:

I do not know any details it was a late report yesterday afternoon from NPS.
P

--
Major Patrick C. Smith
U.S. Park Police
Commander, Icon Protection Branch
1100 Ohio Drive, SW
Washington, DC 20042
(O) 202-610-7089
(C) 202-345-2819
(patrick_smith@nps.gov)

--
Captain Philip J. Beck
United States Park Police
Commander, Special Forces
Office 202-610-7088
Cell 202-497-0584
Fax 202-426-0612
Email philip_beck@nps.gov

Young, Deirdre R

From: Smith, Patrick <patrick_smith@nps.gov>
Sent: Tuesday, October 08, 2013 6:05 AM
To: Philip Beck
Cc: Arthur Jacobsen; Jeanne O'Toole; Robert Maclean; Keith Horton; Steven Booker
Subject: Claude Moore Farm Demo today

Phil.
Please touch base with Jake and see what support he needs with a possible demo at Claude Moore Farm Park involving a protest to the closure by Congressman Don Young.

For all:

I do not know any details it was a late report yesterday afternoon from NPS.
P

--
Major Patrick C. Smith
U.S. Park Police
Commander, Icon Protection Branch
1100 Ohio Drive, SW
Washington, DC 20042
(O) 202-610-7089
(C) 202-345-2819
(patrick_smith@nps.gov)

Young, Deirdre R

From: Christopher Paschel <christopher_paschel@nps.gov>
Sent: Monday, October 07, 2013 11:21 AM
To: Richard Pope; Patrick Smith; Steven Booker; Terry Felt; Philip Beck
Cc: Jeanne O'Toole
Subject: Fwd: Protest planned at DOI today noon

Christopher Paschel
Branch Director, Intelligence and Counterterrorism
United States Park Police

Office: (202) 610-8762
BB: (202) 438-9713

WARNING: THIS CORRESPONDENCE SHOULD BE TREATED AS LAW ENFORCEMENT SENSITIVE (LES) AND IS "FOR OFFICIAL USE ONLY" (FOUO). LES INFORMATION SHOULD NOT BE FURNISHED OUTSIDE THE U.S. GOVERNMENT OR PUBLIC SAFETY. THE INFORMATION CONTAINED WITHIN MAY BE EXEMPT, UNDER 5 U.S.C552(b)(7).

Begin forwarded message:

> **From:** "Cuvelier, Charles" <charles_cuvelier@nps.gov>
> **Date:** October 7, 2013 at 11:17:21 AM EDT
> **To:** Cam Sholly <cam_sholly@nps.gov>
> **Cc:** Christopher Paschel <christopher_paschel@nps.gov>, Robert Maclean <robert_maclean@nps.gov>
> **Subject: Protest planned at DOI today noon**
>
> Freedom from tyranny colonial rally" is set for noon Eastern time at 1849 C Street NW in Washington
>
> Today, the Farm will attempt to contact Interior. There will also be a protest at the department's headquarters in Washington. Eberly says that several kids who grew up working at the Farm are protesting today at noon. "There is nothing more heady than fighting for what you think is right and winning," Eberly says, adding "And we will win this fight."
>
> The Farm kids are calling their protest the "Freedom from tyranny colonial rally."
>
> This event is being advertised on the internet facilitated by the Claude Moore Colonial Farm.
>
> --
> Charles Cuvelier
> Chief, Law Enforcement, Security & Emergency Services
> National Park Service, WASO
> 1201 Eye Street, NW Room 1037
> Washington, D.C. 20005

(o) 202-513-7084
(c) 202-809-5519
(f) 202-371-1789
Charles_Cuvelier@nps.gov

Young, Deirdre R

From: Frank Dean <frank_dean@nps.gov>
Sent: Friday, October 11, 2013 9:24 PM
To: Patricia Neubacher
Cc: Jessica Carter; Aaron Roth; Chris Lehnertz
Subject: Fwd: Approval to Reopen
Attachments: Cliff House_Conditional Approval to Reopen.docx

Patty,

Here is Lena's Cliff House letter. Seems logical and assume the others will be similar.

Frank

Begin forwarded message:

> **From:** "McDowall, Lena" <lena_mcdowall@nps.gov>
> **Date:** October 11, 2013 6:17:06 PM PDT
> **To:** dmhountalas@sbcglobal.net
> **Cc:** Frank Dean <frank_dean@nps.gov>, Aaron Roth <Aaron_Roth@nps.gov>, lhaas@hnattorneys.com
> **Subject: Approval to Reopen**
>
> Please see the attached memo approving your request to reopen.
>
> --
> Lena McDowall
> Associate Director, Business Services
> Ph: (202) 208-5651
> Cell: (202) 641-1814
> Email: Lena_McDowall@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. Demosthenis M. Hountalas
President
Peanut Wagon, Inc.
Dba The Cliff House
1090 Point Lobos Avenue
San Francisco, CA 94121

This responds to your request to reopen to the public Peanut Wagon, Inc., dba The Cliff House (Concessioner) which is operated under Contract No. CC-GOGA10-98. I am pleased to advise you that the Director has approved your request to reopen subject to the terms and conditions of the Contract, including without limitation the Contract's Operating Plan and Maintenance Plan.

The NPS decision to reopen is contingent upon written acknowledgment that the Concessioner is aware of and understands:

1. That during the period of the government shutdown, the NPS has limited resources to support the ("Concessioner") under the Contract in terms of law enforcement and security, health and safety, and other contractual services, and further lacks the ability to address any contract or operating changes, inspections or other administrative functions associated with the Contract. Notwithstanding NPS's limited resources, the Concessioner shall comply with all of its obligations under the Contract. In particular, the fact that the NPS may be unable to provide the same level of oversight, law enforcement and other services as may be called for in the Contract shall not lessen or invalidate the Concessioner's indemnification obligations under the Contract (Sec. 16(a)); and

2. The Concessioner's remaining open shall be contingent on its ability to operate the concession without the NPS incurring any expenditure in violation of the Anti-Deficiency Act during the government shutdown. Such expenditures may occur, for example, if visitors to the concession use it as a base to access closed areas of the park. Accordingly, the Concessioner shall use diligent efforts to advise visitors to the

Concession Facilities and prospective visitors who communicate with it through its reservations systems that, although the Cliff House is open and accessible by public roads other park facilities remain closed. If the NPS subsequently determines that the re-opening of this concession, or other concessions on a cumulative basis, are causing it to incur any expenditure in violation of the Antideficiency Act, the NPS may have to re-institute suspension of the Contract during the period of government shutdown.

3. Nothing in this letter shall affect any of NPS's rights, powers, or authorities as set forth in the Contract, or in applicable regulations and statutes.

Please acknowledge by reply email that these terms are satisfactory.

Sincerely,

/s/Lena McDowall
Associate Director, Business Services

cc: Frank Dean
Louis N. Haas

Young, Deirdre R

From: Francis Dean <frank_dean@nps.gov>
Sent: Friday, October 11, 2013 8:59 PM
To: patty_neubacher@nps.gov
Cc: Aaron_Roth@nps.gov; Chip_Jenkins@nps.gov; Chris_Lehnertz@nps.gov; Scott_Wanek@nps.gov; craig_dalby@nps.gov
Subject: Re: Cliff House

I was copied on Jon's note to Rep. Pelosi's chief of staff and Lena just called me to to confirm. Am sending her the emails for the Cliff House operator and attorney. Have not seen the conditions yet. Our hostels were approved as well.

Frank

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

From: Neubacher, Patricia [mailto:patty_neubacher@nps.gov]
Sent: Friday, October 11, 2013 05:56 PM
To: Frank Dean <frank_dean@nps.gov>
Cc: Aaron Roth <aaron_roth@nps.gov>; Chip Jenkins <Chip_Jenkins@nps.gov>; Chris Lehnertz <Chris_Lehnertz@nps.gov>; Scott Wanek <Scott_Wanek@nps.gov>; Craig Dalby <craig_dalby@nps.gov>
Subject: Re: Cliff House

Still haven't seen the finalize policy on the DOI website or directly from Lena. Frank, did you get copied on Jon's notification?

On Fri, Oct 11, 2013 at 5:53 PM, Frank Dean <frank_dean@nps.gov> wrote:
Patty,

Thanks- great news!

Frank

On Oct 11, 2013, at 5:29 PM, "Neubacher, Patricia" <patty_neubacher@nps.gov> wrote:

> Well, just got off the phone with Lena and Bruce...and then this arrived. I guess that Frank and Aaron don't need to be on a call at 8am tomorrow!
>
> Apparently, the policy is finalized. Lena will be sending out in a few minutes. She was waiting until it actually got posted on the DOI website. But they've been given approval to move forward with these right now.
>
> They are acting on them after having discussed this with Aaron and/or Frank? Understand that Wawona has also been approved, after discussions with Don? So, Don be expecting that

notification in a few minutes as well. Todd/Sarah: Looks like, based on Todd's note, they are moving forward on approving Kalaoch (sp?).

It really is a bit of a wacky day!

---------- Forwarded message ----------
From: **Jarvis, Jonathan** <jon_jarvis@nps.gov>
Date: Fri, Oct 11, 2013 at 5:13 PM
Subject: Cliff House
To: Robert.Edmonson@mail.house.gov

Robert: I just approved the reopening of the Cliff House, as well as the Youth Hostel at Golden Gate.

--
Jonathan B. Jarvis
Director, NPS

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

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

Young, Deirdre R

From: Neubacher, Patricia <patty_neubacher@nps.gov>
Sent: Friday, October 11, 2013 8:56 PM
To: Frank Dean
Cc: Aaron Roth; Chip Jenkins; Chris Lehnertz; Scott Wanek; Craig Dalby
Subject: Re: Cliff House

Still haven't seen the finalize policy on the DOI website or directly from Lena. Frank, did you get copied on Jon's notification?

On Fri, Oct 11, 2013 at 5:53 PM, Frank Dean <frank_dean@nps.gov> wrote:
Patty,

Thanks- great news!

Frank

On Oct 11, 2013, at 5:29 PM, "Neubacher, Patricia" <patty_neubacher@nps.gov> wrote:

> Well, just got off the phone with Lena and Bruce...and then this arrived. I guess that Frank and Aaron don't need to be on a call at 8am tomorrow!
>
> Apparently, the policy is finalized. Lena will be sending out in a few minutes. She was waiting until it actually got posted on the DOI website. But they've been given approval to move forward with these right now.
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> It really is a bit of a wacky day!
>
> ---------- Forwarded message ----------
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> Date: Fri, Oct 11, 2013 at 5:13 PM
> Subject: Cliff House
> To: Robert.Edmonson@mail.house.gov
>
> Robert: I just approved the reopening of the Cliff House, as well as the Youth Hostel at Golden Gate.
>
> --
> *Jonathan B. Jarvis*
> *Director, NPS*

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

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

Young, Deirdre R

From: Frank Dean <frank_dean@nps.gov>
Sent: Friday, October 11, 2013 8:54 PM
To: Neubacher, Patricia
Cc: Aaron Roth; Chip Jenkins; Chris Lehnertz; Scott Wanek; Craig Dalby
Subject: Re: Cliff House

Patty,

Thanks- great news!

Frank

On Oct 11, 2013, at 5:29 PM, "Neubacher, Patricia" <patty_neubacher@nps.gov> wrote:

> Well, just got off the phone with Lena and Bruce...and then this arrived. I guess that Frank and Aaron don't need to be on a call at 8am tomorrow!
>
> Apparently, the policy is finalized. Lena will be sending out in a few minutes. She was waiting until it actually got posted on the DOI website. But they've been given approval to move forward with these right now.
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> It really is a bit of a wacky day!
>
> ---------- Forwarded message ----------
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> Date: Fri, Oct 11, 2013 at 5:13 PM
> Subject: Cliff House
> To: Robert.Edmonson@mail.house.gov
>
> Robert: I just approved the reopening of the Cliff House, as well as the Youth Hostel at Golden Gate.
>
> --
> *Jonathan B. Jarvis*
> *Director, NPS*

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

Young, Deirdre R

From: Neubacher, Patricia <patty_neubacher@nps.gov>
Sent: Friday, October 11, 2013 8:30 PM
To: Aaron Roth; Frank Dean; Chip Jenkins; Chris Lehnertz; Scott Wanek; Craig Dalby; Todd Suess; Sarah Creachbaum; Kathleen Billings; Kevin Hendricks; Jack Oelfke; Edward Kelleher
Subject: Fwd: Cliff House

Well, just got off the phone with Lena and Bruce...and then this arrived. I guess that Frank and Aaron don't need to be on a call at 8am tomorrow!

Apparently, the policy is finalized. Lena will be sending out in a few minutes. She was waiting until it actually got posted on the DOI website. But they've been given approval to move forward with these right now.

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Subject: Cliff House
To: Robert.Edmonson@mail.house.gov

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Jonathan B. Jarvis
Director, NPS

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

Young, Deirdre R

From: Neubacher, Patricia <patty_neubacher@nps.gov>
Sent: Friday, October 11, 2013 8:02 PM
To: Kathleen Billings; Don Neubacher; Sarah Creachbaum; Jack Oelfke; Edward Kelleher; Frank Dean; Aaron Roth
Cc: Chris Lehnertz; Scott Wanek; Chip Jenkins; Craig Dalby
Subject: Conference call regarding Concessions applications - 8am PDT, Saturday?

Would you all be available for a phone call on Saturday morning to discuss what you're thinking about your concessions applications to open up? Some of you have the same concessions folks -- and seems like it might be a good idea to chat about what you all are thinking as you evaluate your response to Lena.

Would you let me know if this might work for you? If yes, please call:

Non-responsive [redacted]

Thanks. Its a funny little planet we live on these days!

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

Young, Deirdre R

From: Neubacher, Patricia <patty_neubacher@nps.gov>
Sent: Friday, October 11, 2013 3:06 PM
To: Chip Jenkins; Craig Dalby; Scott Wanek; Chris Lehnertz
Subject: Fwd: Information for PWR parks/ through roads/cooperators/concessions
Attachments: concessions question.pwr.docx; Concessions question (1).xlsx

FYi

---------- Forwarded message ----------
From: **Neubacher, Patricia** <patty_neubacher@nps.gov>
Date: Tue, Oct 8, 2013 at 11:51 AM
Subject: Information for PWR parks/ through roads/cooperators/concessions
To: Maureen Foster <maureen_foster@nps.gov>, Lena McDowall <lena_mcdowall@nps.gov>, Barry Roth <barry.roth@sol.doi.gov>

Attached please find two items for Pacific West Parks.

1. An excel listing of our parks that delineates which parks have through, open roads and which parks have cooperators/concessions on those roads.

2. A word document that identifies the cooperators/concessions on those roads affected by the shutdown.

We're missing responses from about 4 parks -- so we'll update the info as soon I get more information.

Please let me know if you have any questions or concerns.

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

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

Death Valley NP

State Highway 190 - Concessions closed - Death Valley Lodging Company at Stovepipe Wells (motel, restaurant, store, gift shop, and gas station).

Scotty's Junction Road - Scotty's Castle closed - Death Valley NHA Concessions closed (book store and food services.)

Private inholdings Furnace Creek Ranch and Inn (Xanterra) and Panamint Springs resort remain open on Hwy. 190.

Golden Gate NRA

Fort Mason and Marin Hostel (could remain open because the park areas are not close-able, but we forced closure)
Cliff House (you know the story there)
Stinson Beach Surfer's Grill (closed, few customers)
Crissy Field Warming Hut (closed even though park area is not close-able)
Crissy Field East Beach Cafe (closed even though park area is not close-able)

(*Cooperators that have financial assistance is in the form of assigned facilities (not appropriations) and whom do not require substantial involvement from NPS on a daily basis, and who are not in an area that is physically closed because there is a through road open (Marin Headlands and Fort Baker), are being allowed to maintain limited operations, however, they are confined to their campuses. So if they have program participants, they are not allowed to roam the park like they normally do, they can only stay inside their assigned area. This has resulted in some program modification/cancellation/rescheduling but I am not sure to what extent. The major ones that come to mind include Naturebridge, YMCA Point Bonita, Marine Mammal Center, Bay Area Discovery Museum, and Headlands Center for the Arts.)*

Mojave

Concessions lunch counter inside VC

Olympic National Park

Highway 101 is a through road open within Olympic NP. One concession,Kalaloch Lodge,is located just off the highway. Lake Crescent Lodge is approximately .5 miles from the highway and accessed by a park road. Our cooperator NatureBridge is also located about .5 miles off of 101 and accessed by a park road.

Point Reyes National Seashore

Highway 1 - Stewart Horse Camp and Five Brooks Stables (concessions)
Sir Francis Drake Boulevard - Drakes Beach Cafe (concession)

Sequoia and Kings Canyon NP

Hwy 180 through the Grant Grove area of Kings Canyon National Park is a "thru-road" open to USFS lands and private properties within the park (Wilsonia). The park concession at Grant Grove is closed (KCPS, which is currently transitioning to the new contract with DNC). The USFS concessions (Montecito-Sequoia Resort, and Boyden Cave) were initially open, then closed, and have been allowed to re-open.

The Generals Highway through Sequoia National Park is closed (this section is not a state highway). The DNC concessions at Wuksachi and Lodgepole are closed.

Whiskeytown NRA

Forever Resorts

Yosemite National Park

Highway 120, DNC Crane Flat Store, Yosemite Conservancy Store, Naturebridge Campus Closed at Crane Flat (Tuolumne Concessions already closed due to winter)

Highway 140, El Portal Market, reduce hours for public health and safety, DNC Valley Tram Tours

Highway 41, Wawona Hotel, Wawona Market, Mariposa Grove Gift Shop and Tram Tours, Yosemite Conservancy Store

Park					
	Open Thru Road	Cooperators or Concession			
ALKA	No	No			
AMME/WAPA	No	No			
BIHO	No	No			
CABR	No	No			
CHIS	No	No			
CECH	No	No			
CIRO	Yes	No			
CRLA					
CRMO	No	No			
DEPO	No	No			
DEVA	Yes	Yes			
EBLA	No	No			
EUON/JOMU/POCH/RORI	No	No			
FOVA	No	No			
GOGA	Yes	Yes			
GRBA	No	No			
HAFO/MIIN	No	No			
HALE	No	No			
HAVO	Yes	No			
JODA	Yes	No			
JOTR	No	No			
JUBA	No	No			
KAHO	No	No			
KALA	No	No			
KLSE	No	No			
LABE	No	No			
LAKE	No	No			
LARO	Yes	No			
LAVO					
LEWI	No	No			
MANZ	No	No			
MOJA	Yes	Yes			
MORA	Yes	No			
NEPE	Yes	No			
NOCA	Yes	Yes			
NPSA	No	No			
OLYM	Yes	No			
ORCA	No	No			
PARA	No	No			
PINN	No	No			
PORE	Yes	Yes			
PUHE	No	No			
PUHO	No	No			

Park					
	Open Thru Road	Cooperators or Concession			
PWRO	No	No			
REDW	Yes	No			
SAFR	No	No			
SAJH	No	No			
SAMO	No	No			
SEKI	Yes	Yes			
TULE	No	No			
VALR	No	No			
WHIS	Yes	Yes			
WHMI	No	No			
YOSE	Yes	Yes			

Young, Deirdre R

From: Neubacher, Patricia <patty_neubacher@nps.gov>
Sent: Tuesday, October 01, 2013 7:24 PM
To: Chris Lehnertz; Trystan Stern; Martha Lee
Subject: Fwd: Cliff House
Attachments: Cliff House open in event of Government Shutdown - Rationale.pdf

---------- Forwarded message ----------
From: **Neubacher, Patricia** <patty_neubacher@nps.gov>
Date: Tue, Oct 1, 2013 at 4:23 PM
Subject: Fwd: Cliff House
To: Jon Jarvis <Jon_Jarvis@nps.gov>, Lena McDowall <lena_mcdowall@nps.gov>, Bruce Sheaffer <Bruce_Sheaffer@nps.gov>, Margaret O'Dell <Peggy_O'Dell@nps.gov>
Cc: Scott Wanek <Scott_Wanek@nps.gov>, Craig Dalby <craig_dalby@nps.gov>, Frank Dean <frank_dean@nps.gov>, Aaron Roth <aaron_roth@nps.gov>

Dear Fellow travelers:

The folks at Golden Gate have raised a question about the appropriateness of closing down the Cliff House - which is technically a concessions contract. However, as outlined in their briefing paper, they correctly point out that the 1970's era legislation established authority for it to be managed as a lease. In 1998 a concessions contract was issued that will be due in 2018. (a long concessions contract due to the amount of funding that the concessionaire had to invest in improvements. -- the NPS will have purchased all the possessory interest in 2018)

In 2018, the property will be competed as a lease. Other complications, include the proximity of another former concessions contract property that is now under a lease (Louis' Restaurant.) make the decision sensitive.

We'd appreciate you reviewing the park's briefing paper and giving us advice on how to proceed. Its an awkward situation and we wanted to consult with you on the best way to move forward. 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
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(510) 604-9998 cell

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Frank Dean
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--
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Deputy Regional Director
Pacific West Region
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(510) 604-9998 cell

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

- The National Park Service's contingency plan for Lapse in Appropriation specifies that concession operations will close but lessees remain open. **The Cliff House should be exempt from closure as it functions more like a lessee than a concession.** This was the case in the 1995 shutdown.
- The enabling legislation of the park specifically addresses the Cliff House property. The language and congressional intent provides NPS the discretion to treat it as a leased property.

- The Cliff House does not rely on support from the NPS/Appropriated Funds in any operational facet. Water, wastewater, electricity, refuse, collection, parking, and Alcoholic Beverage Control are all provided directly by the City of San Francisco, its subsidiary or an independent utility.
- The NPS does not exercise its right to approve Cliff House pricing. We rely on competitive market declaration, that is, we allow the Cliff House to set its own pricing. Although we do inspect the Cliff House and conduct annual reviews per concessions policy, our inspections are fairly in-frequent because it is not a high priority for inspection. Therefore, the Cliff House may routinely operate for a month or two without an inspection or oversight from us. As far as Public Health, we do oversee that aspect, however we also do that for leasing. Since Public Health employees are excepted, this is not a determining factor.
- Although the Cliff House is technically a concession, because the NPS utilized a Concession contract in 1998 to authorize it, this was a time when the NPS was not completely versant on how to issue a lease. It is difficult to see how the Cliff House, a $12M. 30,000 square foot restaurant in a busy urban location, could be considered a "necessary" service for the Golden Gate National Recreation Area. When this concession contract expires, the Park will most certainly pursue a lease as its next authorizing instrument, both because it is not a necessary service and also because the Park has clear legislative authority to do so and a lease would more closely resemble our oversight approach to this restaurant.
- Lastly, consistency is an issue. We have Louis Restaurant, only a few hundred feet away. It has the exact same operational model as the Cliff House and very similar level of oversight. This was a concession converted to a lease around 2010, simply because it was an expired concession contract. It is arbitrary that in 2013, Cliff House happens to be authorized by Concession Contract and Louis by a lease, even though the relevant legislation is exactly the same.

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: 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
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--

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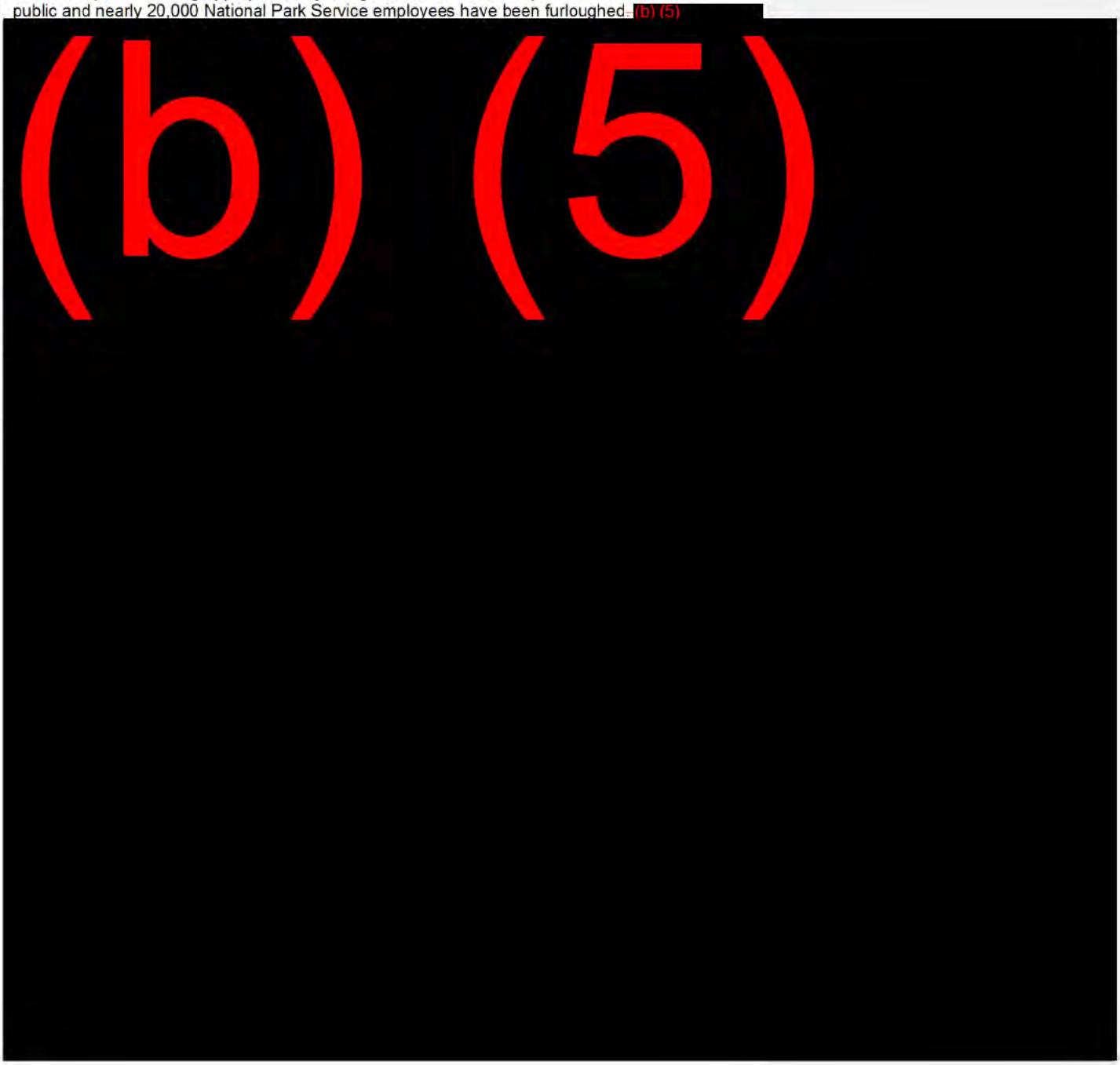
kate_kelly@ios.doi.gov

--

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)



Young, Deirdre R

From: Olson, Jeffrey <jeffrey_olson@nps.gov>
Sent: Friday, October 25, 2013 2:37 PM
To: Kate Kelly; Blake Androff; Jessica Kershaw; Sue Waldron; Maureen Foster
Subject: CNS News reporter Penny Starr

A heads up on a government shutdown story.

After seeing the House hearing on the government shutdown, CNS News reporter Penny Starr this week made several inquiries about the National Park Service, Director Jarvis and the Claude Moore Colonial Farm which is part of the George Washington Memorial Parkway.

Ms. Anna Eberly, who operates the farm, was one of the witnesses at the House hearing during the shutdown and is a source for Ms. Starr's story. Ms. Eberly listed complaints about the NPS during her testimony.

While I answered the first couple rounds of Ms. Starr's questions, I believe her last email crossed into a "he said, she said" issue concerning GWMP Supt. Alex Romero and the US Park Police. I informed Ms. Starr I had nothing further to add other than if Ms. Eberly had complaints about the park superintendent or the US Park Police, that she could contact higher level supervisors in the NPS and USPP.
Jeff

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

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 (b)(6) (b)(6) 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 otheres 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
Cell: (843) 263-9639

--
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Young, Deirdre R

From: Blake Androff <blake_androff@ios.doi.gov>
Sent: Tuesday, October 08, 2013 9:07 AM
To: Litterst, Michael
Cc: Kate Kelly; Tim Fullerton; Sue Waldron; Jennifer Mummart
Subject: Re: Claude Moore farm statement for WASO/DOI review, please

Hold.

Blake Androff
Deputy Director of Communications
U.S. Department of the Interior
Direct: 202.208.4330 | Cell: 202-725-7435

Sent from my iPad

On Oct 8, 2013, at 9:00 AM, "Litterst, Michael" <mike_litterst@nps.gov> wrote:

> This one seems to have gotten lost in the shuffle. The Claude Moore Farm clousure has generate a good bit of media attention and the region would like to use the attached to respond.
>
> 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: **Mummart, Jennifer** <jennifer_mummart@nps.gov>
> Date: Thu, Oct 3, 2013 at 5:38 PM
> Subject: Claude Moore farm statement for WASO/DOI review, please
> To: Michael Litterst <mike_litterst@nps.gov>
> Cc: Jon James <jon_james@nps.gov>, Lisa Mendelson <lisa_mendelson-ielmini@nps.gov>
>
> 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

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<2013 10 3 NCR draft on Claude Moore.docx>

Young, Deirdre R

From: Kelly, Katherine <kate_kelly@ios.doi.gov>
Sent: Tuesday, October 08, 2013 9:06 AM
To: Litterst, Michael
Cc: Blake Androff; Tim Fullerton; Sue Waldron; Jennifer Mummart
Subject: Re: Claude Moore farm statement for WASO/DOI review, please

Please hold.

On Tuesday, October 8, 2013, Litterst, Michael wrote:
This one seems to have gotten lost in the shuffle. The Claude Moore Farm clousure has generate a good bit of media attention and the region would like to use the attached to respond.

Mike

~~~~~~~~~~~~~~~~~~

Mike Litterst
Chief Spokesperson (acting)

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Ph: (202) 513-0354
Cell: (202) 306-4166

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

Hi Mike,

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Jennifer
~~~~~~~~~~~~~~~~~~

Jennifer Mummart
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--

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

Young, Deirdre R

From: Litterst, Michael <mike_litterst@nps.gov>
Sent: Tuesday, October 08, 2013 9:01 AM
To: Blake Androff; Kate Kelly; Tim Fullerton
Cc: Sue Waldron; Jennifer Mummart
Subject: Fwd: Claude Moore farm statement for WASO/DOI review, please
Attachments: 2013 10 3 NCR draft on Claude Moore.docx

This one seems to have gotten lost in the shuffle. The Claude Moore Farm clousure has generate a good bit of media attention and the region would like to use the attached to respond.

Mike

~~~~~~~~~~~~~~~~~~~~

Mike Litterst
Chief Spokesperson (acting)

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Ph: (202) 513-0354
Cell: (202) 306-4166

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

Hi Mike,

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Thank you,
Jennifer
~~~~~~~~~~~~~~~~~~~~

Jennifer Mummart
Director of Communications
National Park Service - National Capital Region
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National Park Service Statement on Claude Moore Colonial Farm

The National Park Service (NPS) depends on Congressional appropriations to stay open. With the lapse in appropriations, the Claude Moore Colonial Farm, part of George Washington Memorial Parkway, like all 401 national parks, is closed.

The farm operates on NPS land and, unfortunately, the shutdown has forced hundreds of NPS partners, contractors, and concessioners across the country to stop operating. During the shutdown, the Friends of Claude Moore Colonial Farm has access to the farm to care for crops and animals.

The NPS has an agreement with the Friends of Claude Moore Colonial Farm to present living history programs. Since the inception of the agreement, signed in 1981, the friends group has received funding from the National Park Service – almost $1.3 million since 2001. In addition, the NPS has provided several hundred thousand dollars to design a new sewer system for the farm. The NPS conducts safety and food inspections, provides United States Park Police coverage, and shares road maintenance, such as snow-removal, with the friends group.

The NPS is hopeful for a quick return to full operations at Claude Moore Colonial Farm and at all national parks across the country.

Young, Deirdre R

From: McDowall, Lena <lena_mcdowall@nps.gov>
Sent: Thursday, October 03, 2013 5:53 PM
To: Waldron, Suzanne
Subject: Re: Pisgah Inn
Attachments: BLRI - Pisgah Inn Tlk Pts - 100313 rev_lm edit.docx

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

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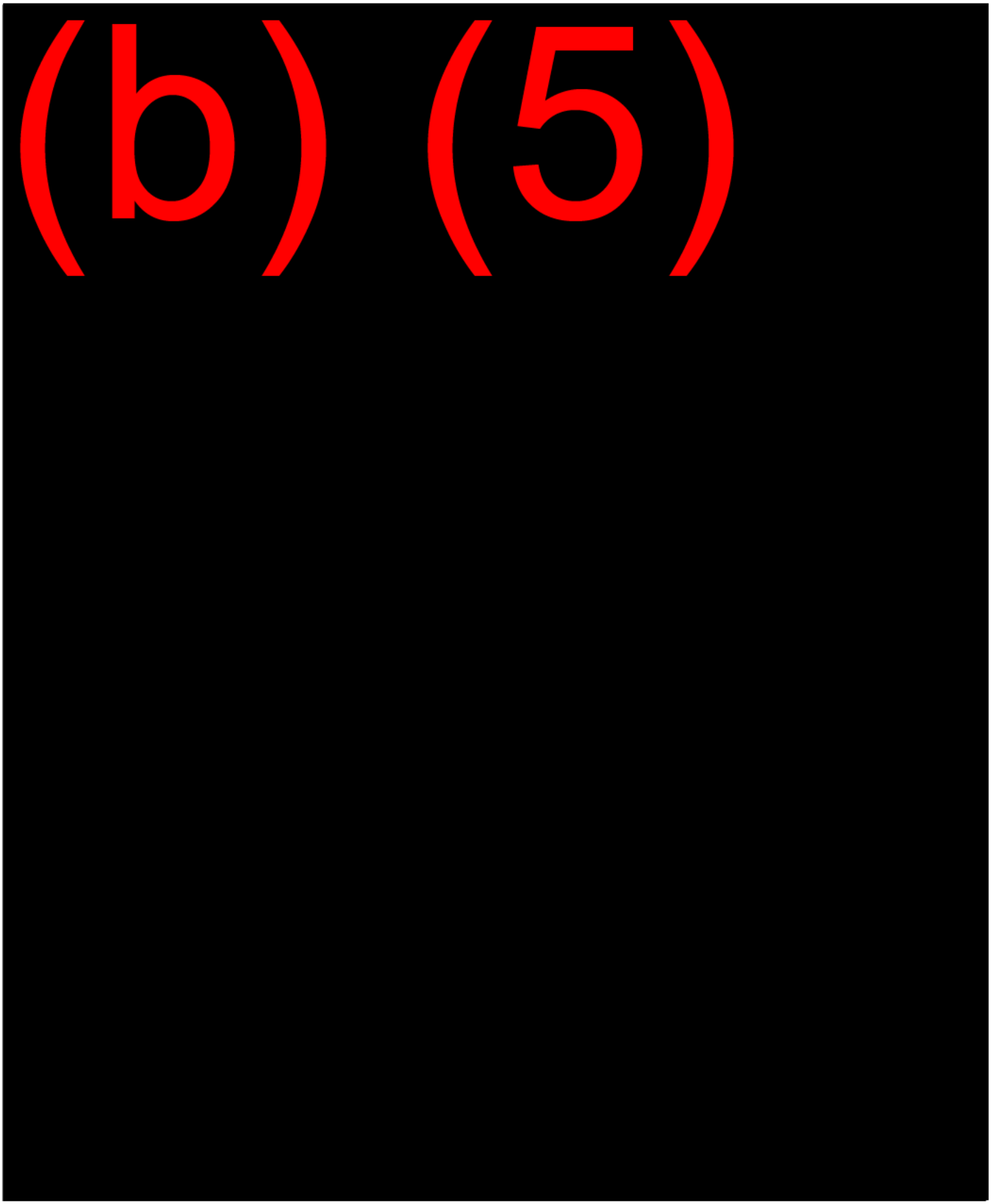
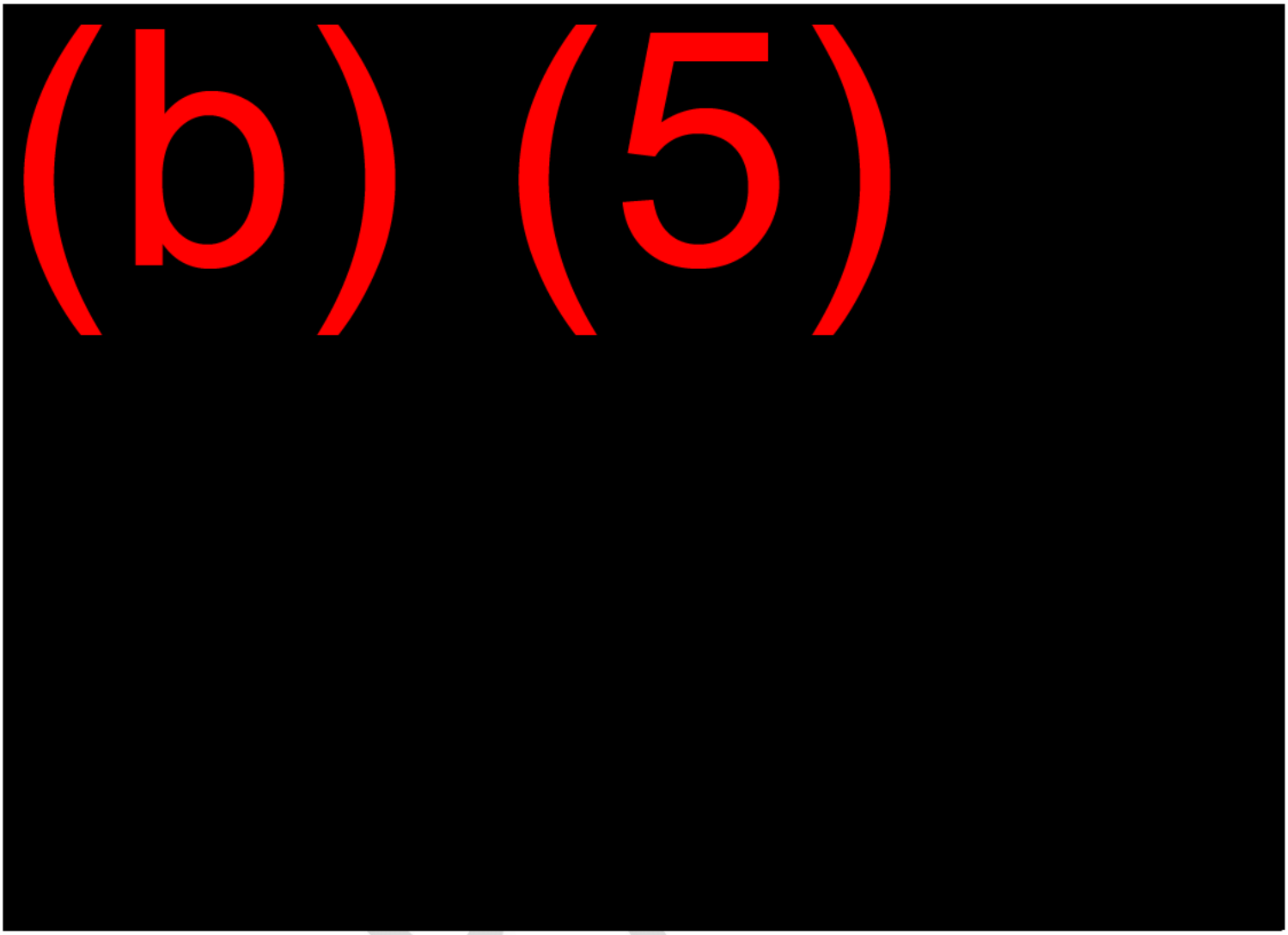
--
Lena McDowall
Associate Director, Business Services
Ph: (202) 208-5651
Cell: (202) 641-1814
Email: Lena_McDowall@nps.gov


(b) (5)


(b) (5)

Young, Deirdre R

From: Suzanne Waldron <sue_waldron@nps.gov>
Sent: Thursday, October 03, 2013 4:33 PM
To: William Reynolds
Cc: karen_cucurullo@nps.gov; shawn_benge@nps.gov; maureen_foster@nps.gov; Lena_McDowall@nps.gov; Mike_Litterst@nps.gov
Subject: Re: Pisgah Inn

Tx

Sent from my iPhone

On Oct 3, 2013, at 4:32 PM, William Reynolds <william_f_reynolds@nps.gov> wrote:

> Reuters is handled.
>
> ---
>
> **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>
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> Sent from my iPhone
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> > **From:** <Colleen.Jenkins@thomsonreuters.com>
> > **Date:** October 3, 2013, 11:22:52 AM EDT
> > **To:** <Karen_Cucurullo@nps.gov>
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> > Hi Karen,
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> >
> > Thanks!
> >
> > Colleen

Colleen Jenkins
Correspondent, U.S. General News

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From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Thursday, October 03, 2013 3:33 PM
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Subject: Fwd: Pisgah Inn

fyi

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Subject: Re: Pisgah Inn
To: Sue_Waldron@nps.gov

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From: Suzanne Waldron <sue_waldron@nps.gov>
Sent: Thursday, October 03, 2013 3:25 PM
To: Lena McDowall
Subject: Fwd: Pisgah Inn
Attachments: BLRI - Pisgah Inn Tlk Pts - 100313 rev.docx

Sent from my iPhone

Begin forwarded message:

> **From:** "Reynolds, William" <william_f_reynolds@nps.gov>
> **Date:** October 3, 2013, 3:08:50 PM EDT
> **To:** "Waldron, Suzanne" <sue_waldron@nps.gov>
> **Cc:** Shawn Benge <shawn_benge@nps.gov>, Mike Litterst <Mike_Litterst@nps.gov>, Mark Woods <mark_woods@nps.gov>, Steve Stinnett <steve_stinnett@nps.gov>, David Horne <david_horne@nps.gov>
> **Subject: Re: Pisgah Inn**
>
> Revised final draft, based on input from Steve and Shawn.
>
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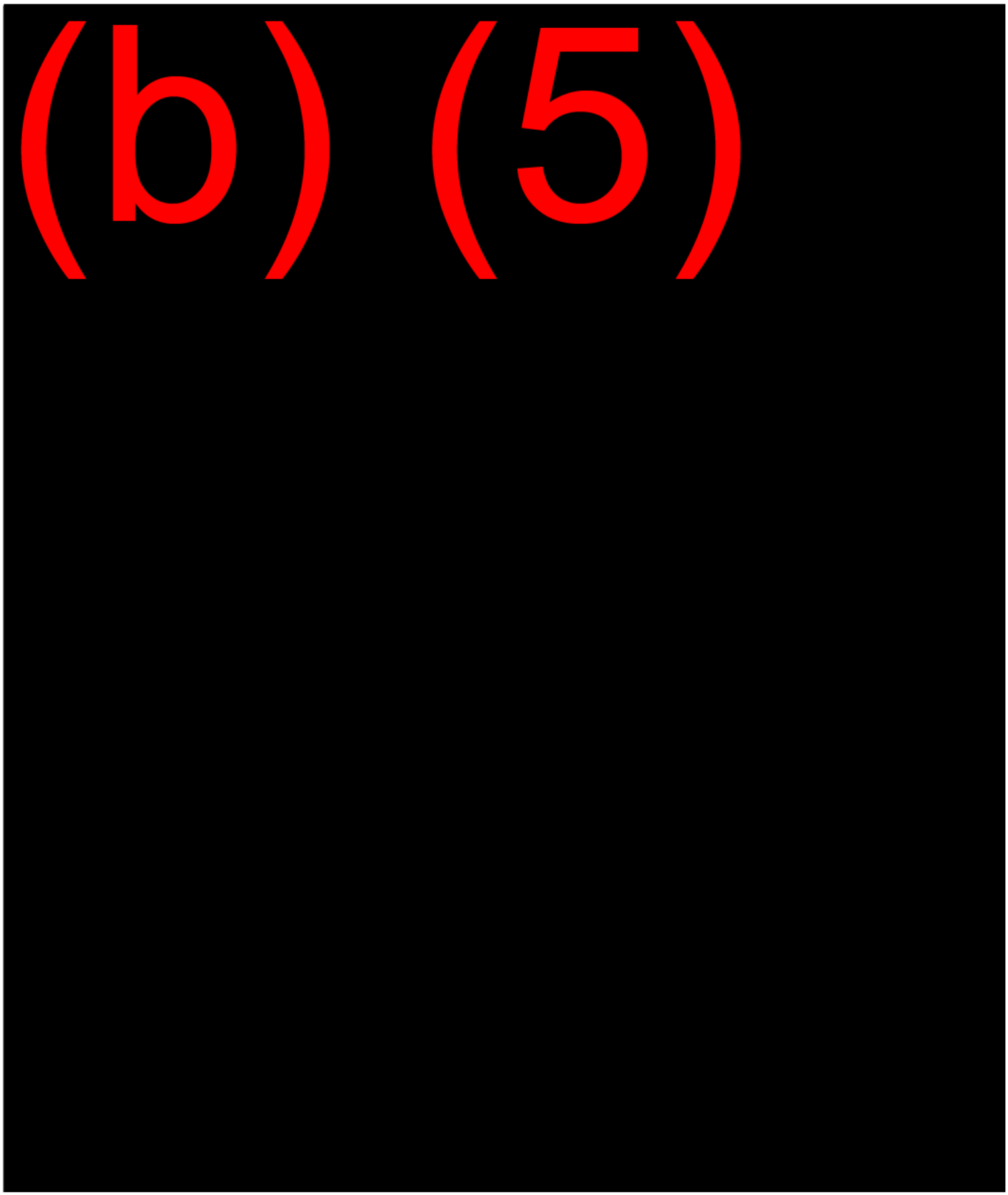
William F. Reynolds
Assistant Regional Director
National Park Service Southeast Region
404-507-5612


(b) (5)

[redacted]

DRAFT

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
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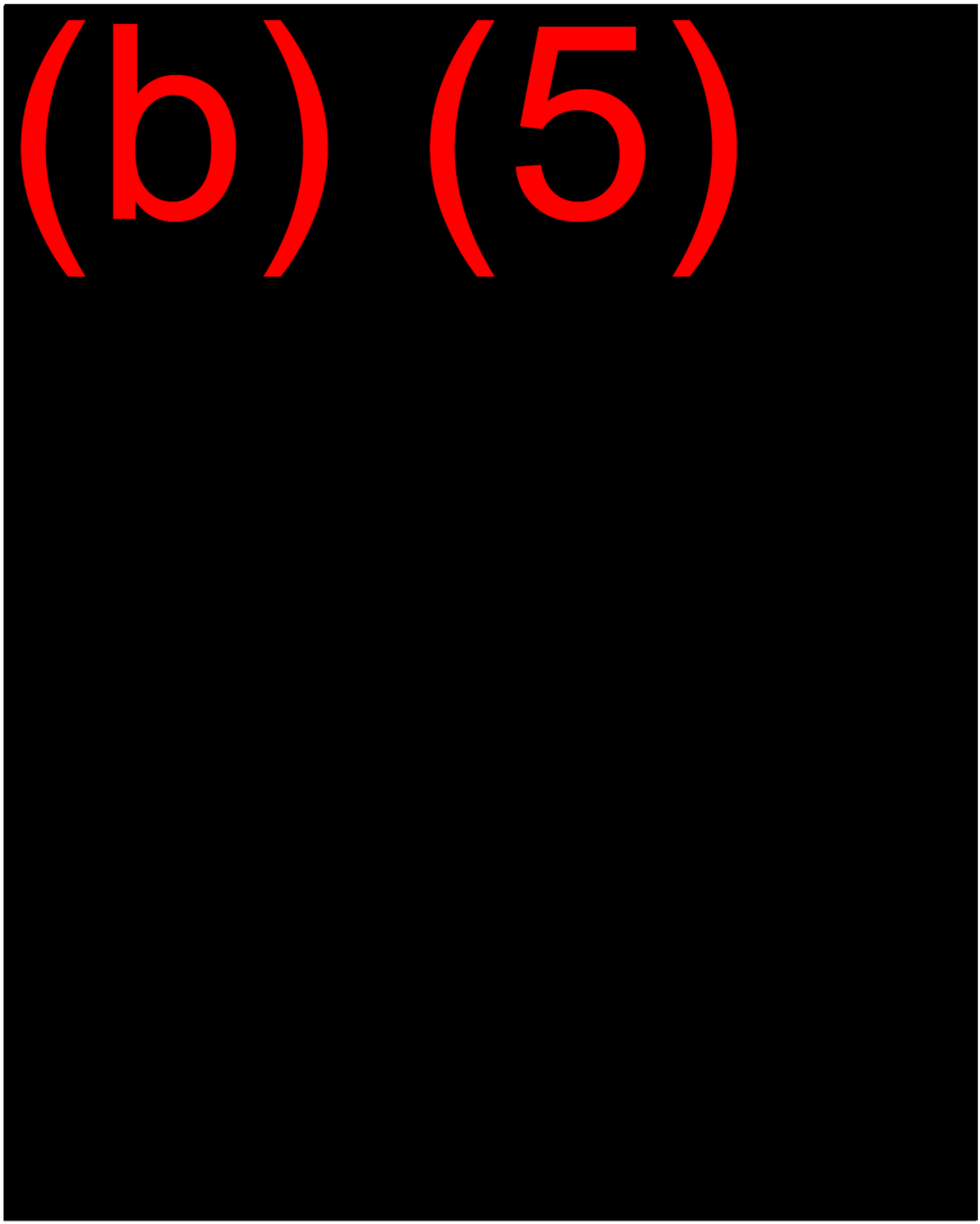
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Sent: Thursday, October 03, 2013 2:16 PM
To: Sue_Waldron@nps.gov; karen_cucurullo@nps.gov; shawn_benge@nps.gov
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Young, Deirdre R

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

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NPS orders closure of park that receives no federal funding

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

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.

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.

PHOTO GALLERY:

A salute to America's warriors on the front lines of the war on terror

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QUESTION OF THE DAY

Will Americans find out who ordered barricades for the National World War II Memorial?

- Yes
- No
- Undecided
- Other

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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 Wendesday, 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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Pisgah Inn refuses to close with federal shutdown

Oct. 2, 2013 10:02 PM | 9 Comments

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ry Ballew, and Samantha Higgins take-in the view as they in April of this year. / John Fletcher / Jfletcher@citizen-

ah Inn general manager Rob Miller watched ar II veterans pushed past barricades to get to 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.

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WWII veterans visit memorial, despite shutdown
Oct. 01, 2013

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Smart Life Weekly

AdChoices

Young, Deirdre R

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Thursday, October 03, 2013 12:55 PM
To: Karen Cucurullo; William Reynolds; Shawn Benge
Cc: Maureen Foster; Lena McDowall; Mike Litterst
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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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 prioirity then

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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
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> 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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National Park Service Southeast Region
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Young, Deirdre R

From: Reynolds, William <william_f_reynolds@nps.gov>
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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>
> 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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--
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: 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
Chief Ranger
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199 Hemphill Knob Rd
Asheville, NC 28803
828/348-3426 (O)
828/271-4118 (F)
828/273-6215 (C)

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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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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
Visit us at www.nps.gov

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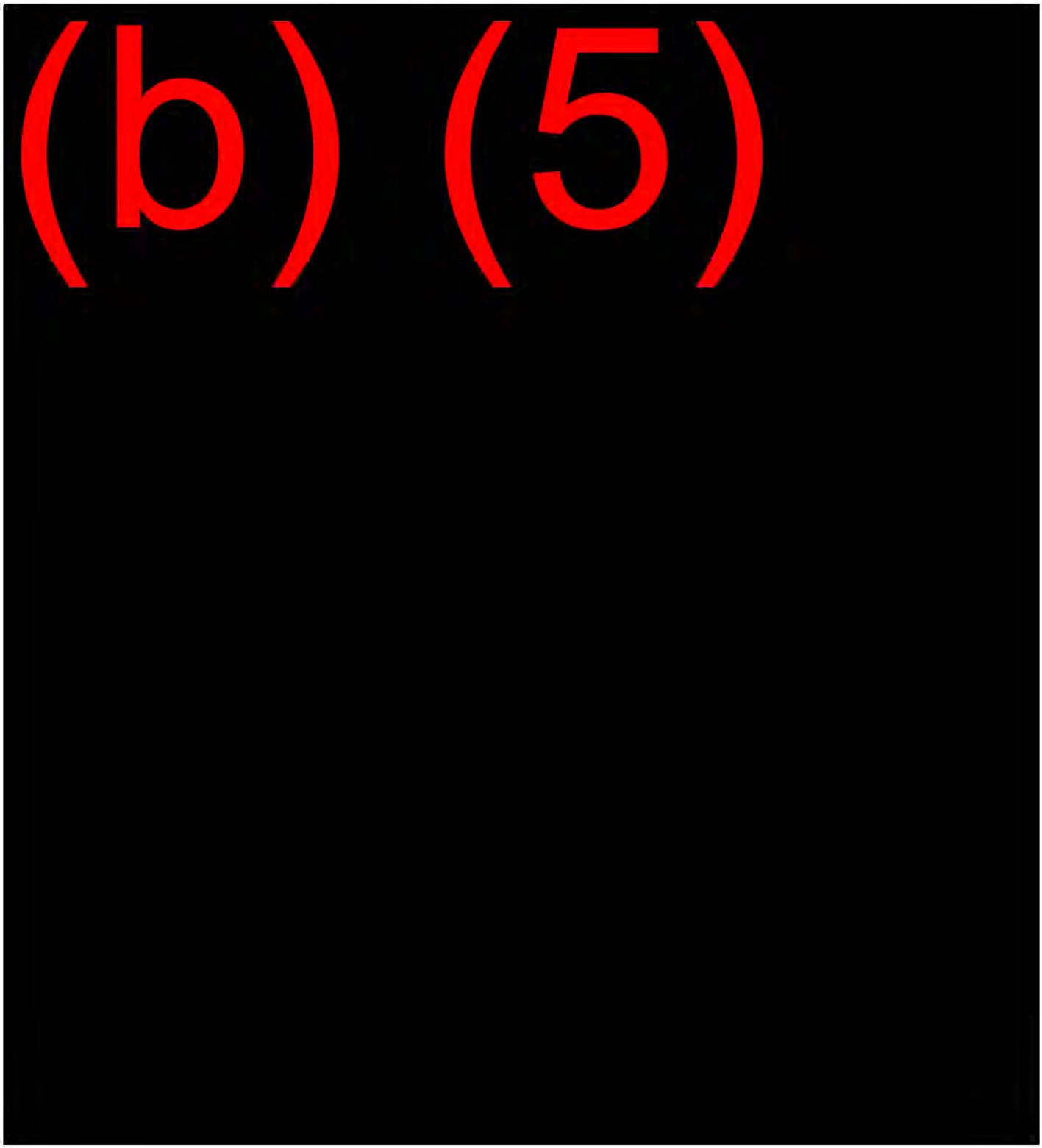
EXPERIENCE YOUR AMERICA

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



(b) (5)

DRAFT

Young, Deirdre R

From: Reynolds, William <william_f_reynolds@nps.gov>
Sent: Thursday, October 03, 2013 9:40 AM
To: Suzanne Waldron; Michael Litterst
Subject: Fwd: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times
Attachments: BLRI - Pisgah Inn Tlk Pts - 10-03-13.docx

Should be attached below.

---------- Forwarded message ----------
From: **Stinnett, Steve** <steve_stinnett@nps.gov>
Date: Thu, Oct 3, 2013 at 8:38 AM
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times
To: "Reynolds, William" <william_f_reynolds@nps.gov>
Cc: Suzanne Waldron <sue_waldron@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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828/348-3426 (O)
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Sent from my iPhone

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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.

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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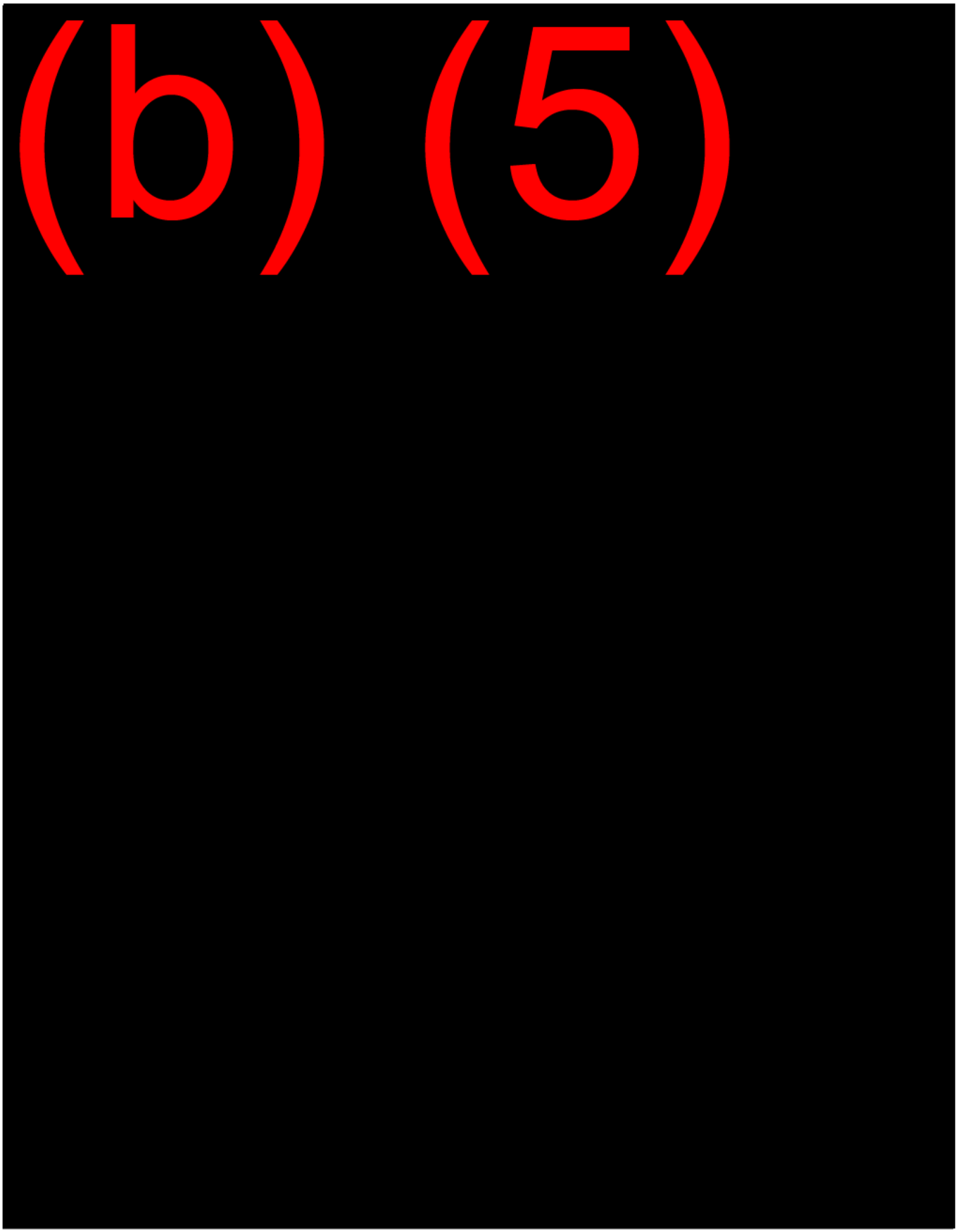
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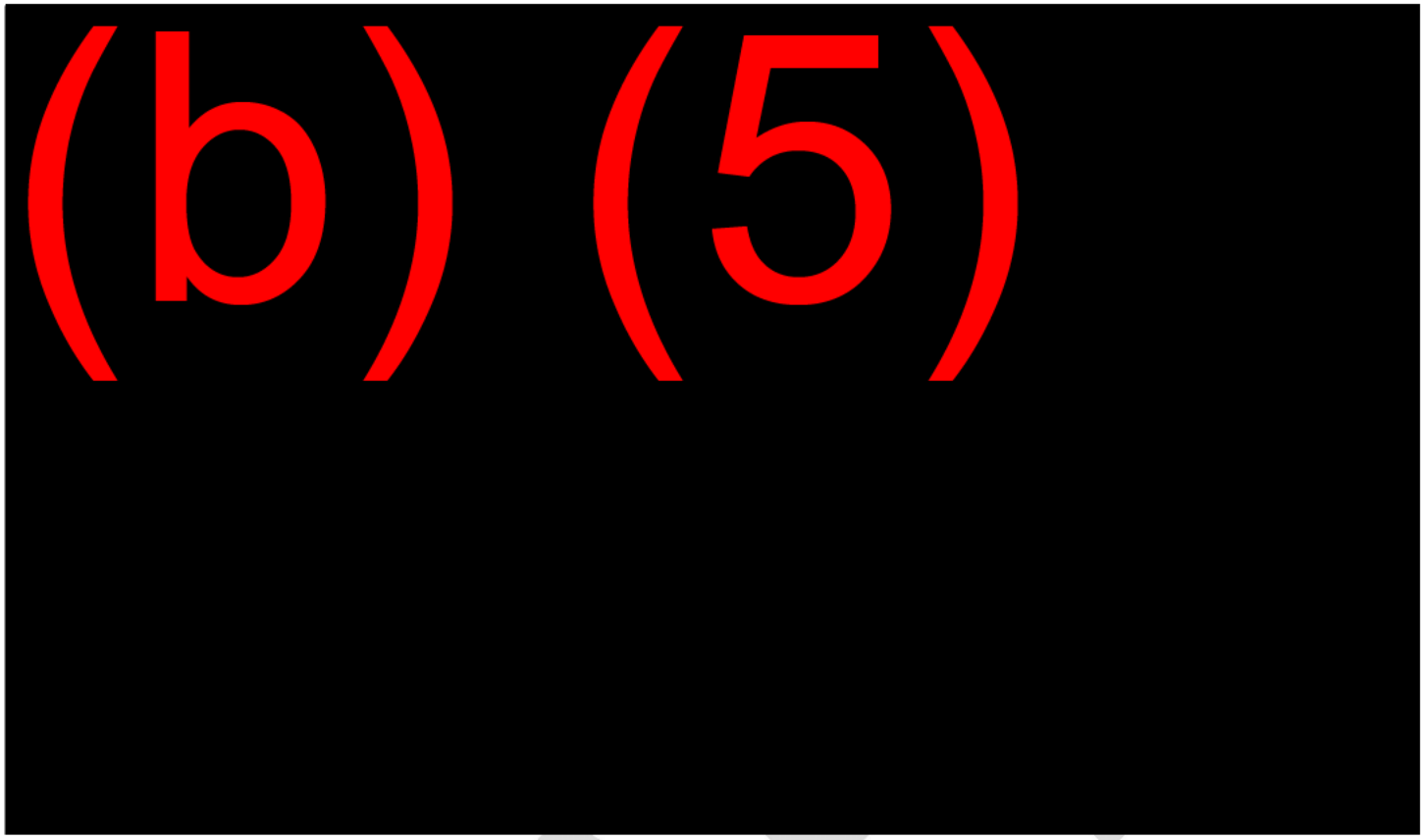

DRAFT

Young, Deirdre R

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Thursday, October 03, 2013 9:38 AM
To: Reynolds, William
Cc: Stinnett, Steve; shawn_benge@nps.gov; david_horne@nps.gov; mike_litterst@nps.gov
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

can someone attach the latest draft, please

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(b) (5)

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Sue and Mike, please feel free to weigh in!

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> 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/
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Young, Deirdre R

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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
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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
>
> Steve Stinnett
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> 199 Hemphill Knob Rd
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> 828/348-3426 (O)
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National Park Service Southeast Region
404-507-5612

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Assistant Regional Director
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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

Now that I think about it I suppose we should leave out the names (other than the concessions and locations like the manor house) and just give the totals for VCs, PAs, and CGs,

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> http://www.citizen-times.com/article/20131002/NEWS01/310020080/Pisgah-Inn-refuses-close-federal-shutdown
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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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Assistant Regional Director
National Park Service Southeast Region
404-507-5612

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National Park Service Southeast Region
404-507-5612

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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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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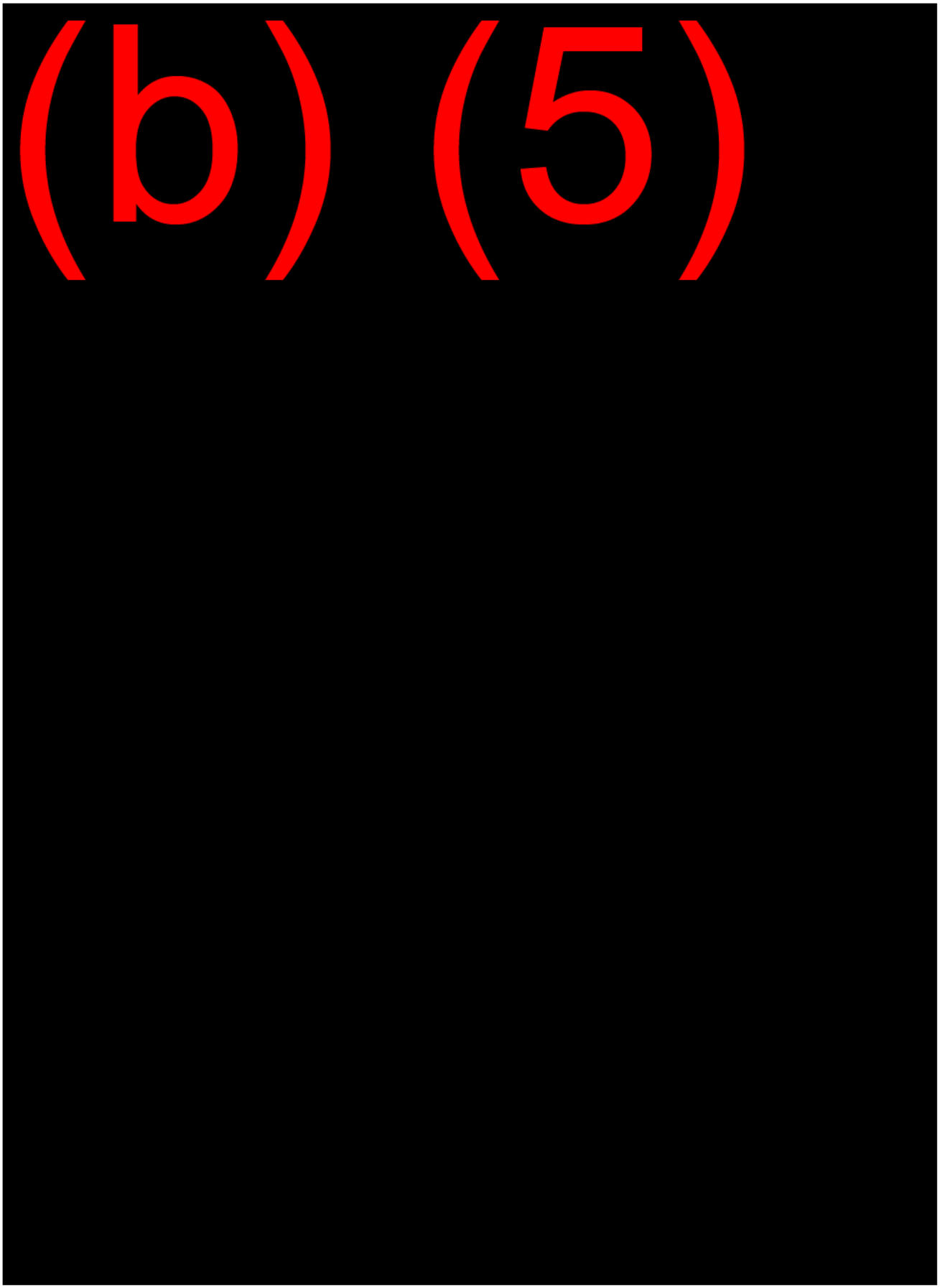
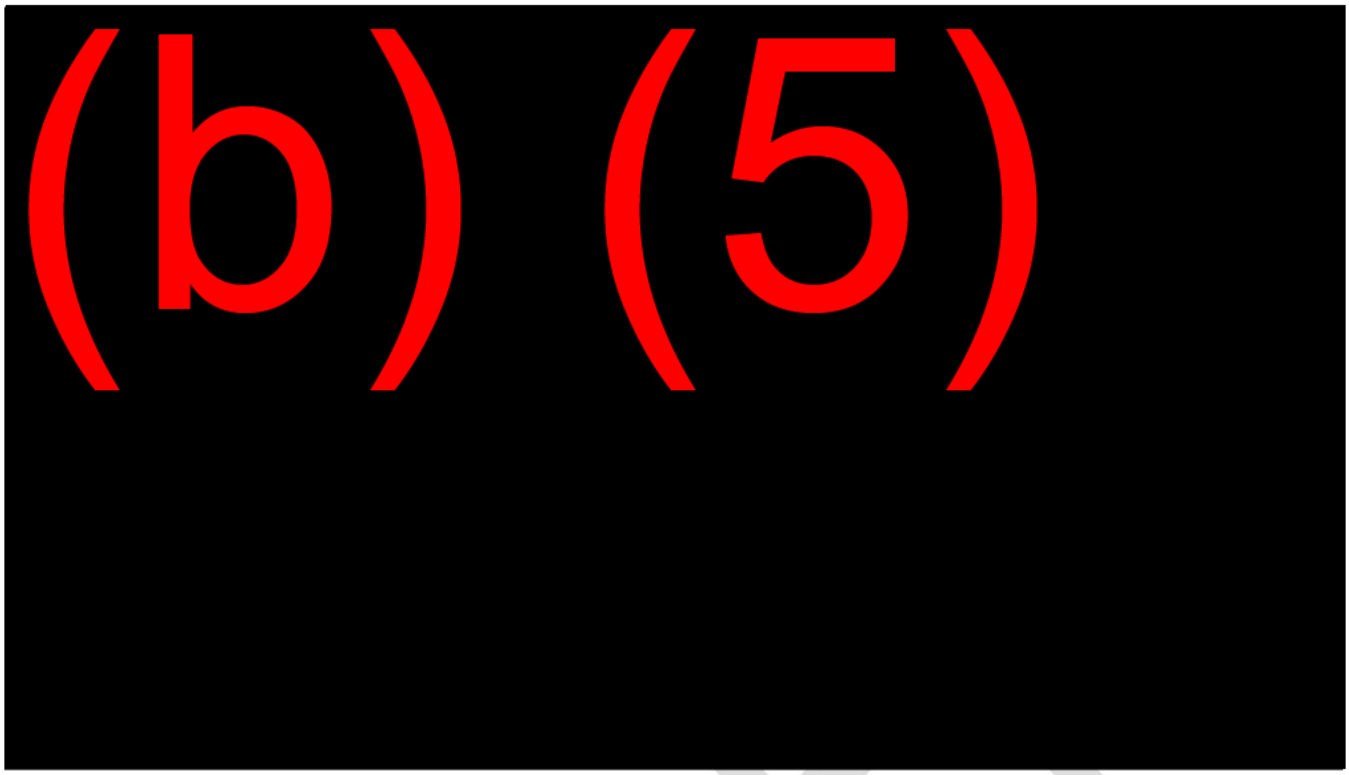

(b) (5)



DRAFT

Young, Deirdre R

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

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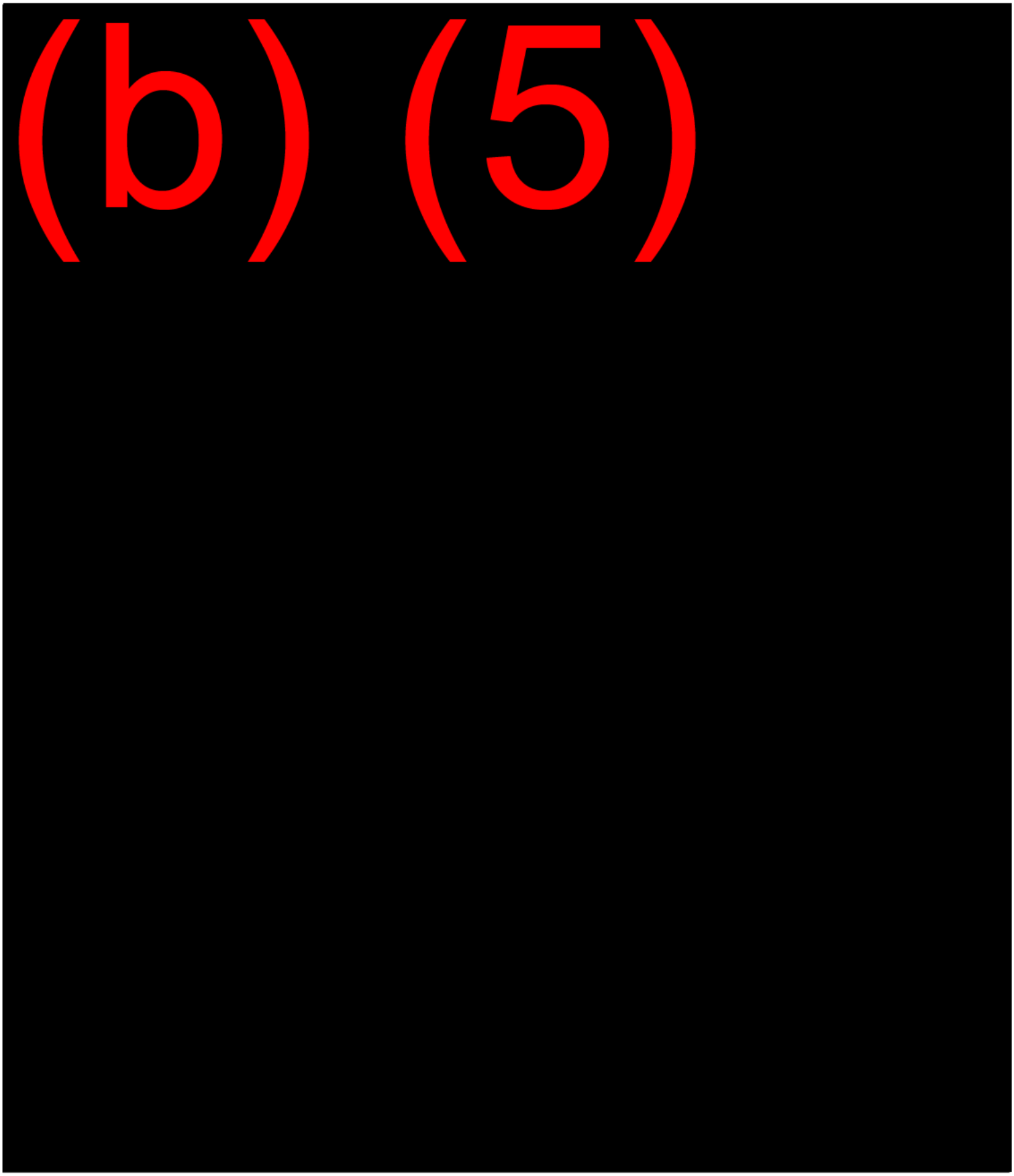
(b) (5)

Young, Deirdre R

From: Suzanne Waldron <sue_waldron@nps.gov>
Sent: Wednesday, October 02, 2013 9:01 PM
To: Jarvis Jon; O'Dell Peggy; Foster Maureen; Sheaffer Bruce; Kelly Kate; Androff Blake
Cc: Litterst Mike
Subject: Fwd: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

Pisgah inn defiance of closure is citing ww2 memorial as precedent

Sue Waldron
Assistant Director, Communications
National Park Service

Sent from my iPad

Begin forwarded message:

> **From:** William Reynolds <william_f_reynolds@nps.gov>
> **Date:** October 2, 2013, 8:00:40 PM EDT
> **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
>
> 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 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.

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

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 5:50 PM, William Reynolds <william_f_reynolds@nps.gov> wrote:

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Bill

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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
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Blue Ridge Parkway

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

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>
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Can we see the tpts?

Sent from my iPhone

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> Steve Stinnett
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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

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

Young, Deirdre R

From: William Reynolds <william_f_reynolds@nps.gov>
Sent: Wednesday, October 02, 2013 7:46 PM
To: steve_stinnett@nps.gov
Cc: shawn_benge@nps.gov; david_horne@nps.gov; Sue_Waldron@nps.gov; mike_litterst@nps.gov
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

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Cc: Shawn Benge <shawn_benge@nps.gov>
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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 3:15 PM
To: Waldron, Suzanne
Cc: Stinnett, Steve; Shawn Benge; Michael Litterst; Lena McDowall; Cam Sholly
Subject: Re: For your information see attached press release

Sue, we are still working on the response options. Not going to give those away in the talking points, though. At least not yet.
Bill

On Wed, Oct 2, 2013 at 3:12 PM, Waldron, Suzanne <sue_waldron@nps.gov> wrote:
havent cgottent the read out on the 1 pm meeting - what is our plan?

bill - please copy us on the tpts as well (know you will)

On Wed, Oct 2, 2013 at 3:08 PM, Reynolds, William <william_f_reynolds@nps.gov> wrote:
Steve, I am working on some draft talking points for you to respond to media queries, based on the call we had earlier with Cam and Lena. Will send as soon as I have a draft.
Bill

On Wed, Oct 2, 2013 at 2:49 PM, Stinnett, Steve <steve_stinnett@nps.gov> wrote:
Bill,

I thought I had copied you on this. I will ensure that you are included on future messages.

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
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---------- Forwarded message ----------
From: **Stinnett, Steve** <steve_stinnett@nps.gov>
Date: Wed, Oct 2, 2013 at 2:16 PM

Subject: Fwd: For your information see attached press release
To: Shawn Benge <shawn_benge@nps.gov>, David Horne <david_horne@nps.gov>, Cam Sholly <Cam_Sholly@nps.gov>, Charles Cuvelier <charles_cuvelier@nps.gov>, Suzanne Waldron <sue_waldron@nps.gov>

Updated information

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
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---------- Forwarded message ----------
From: <BOconn8876@aol.com>
Date: Wed, Oct 2, 2013 at 2:11 PM
Subject: For your information see attached press release
To: Lisa_Davis@nps.gov, laura_s_nelson@nps.gov, steve_stinnett@nps.gov
Cc: rhiannon.1@netzero.com

Hope this does not cause any of you any personal hassles.

If not now, when? If not Pisgah Inn, then who?

Bruce

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

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

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EXPERIENCE YOUR AMERICA

--
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 3:14 PM
To: Suzanne Waldron; Michael Litterst; Lena McDowall; Cam Sholly; Shawn Benge; Steve Stinnett
Subject: Fwd: For your information see attached press release
Attachments: PRESS RELEASE.docx

All the Pisgah Inn press release that I mentioned in my previous email is attached. I am working on some draft talking points for the Parkway, based on our earlier call with Cam and Lena.
Sorry for the double message.
Bill

---------- Forwarded message ----------
From: **Benge, Shawn** <shawn_benge@nps.gov>
Date: Wed, Oct 2, 2013 at 2:59 PM
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To: William Reynolds <william_f_reynolds@nps.gov>

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Updated information

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Date: Wed, Oct 2, 2013 at 2:11 PM
Subject: For your information see attached press release
To: Lisa_Davis@nps.gov, laura_s_nelson@nps.gov, steve_stinnett@nps.gov
Cc: (b) (6)

Hope this does not cause any of you any personal hassles.

If not now, when? If not Pisgah Inn, then who?

Bruce

--

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

--

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

PRESS RELEASE....FOR IMMEDIATE RELEASE

October 2, 2013

Parkway Inn, Inc, the Concessioner operating the Pisgah Inn has decided to remain open past the 6pm Thursday deadline. All visitor services including the hotel, the restaurant and the retail operation will operate as normal.

Bruce O'Connell, the concessioner, has cited the following reasons for his decision to continue operations....

1. The Blueridge Parkway is NOT BEING CLOSED to visitors.

2. The Pisgah Inn is a private business using no government employees. The Pisgah Inn operations are supported by revenues received from visitors, not federal funds, and those operations are conducted by a private company which allows us to continue operating even though federal funding for the National Park Service itself has been suspended.

3. Transylvania County ensures Fire, Sheriff and EMT protection.

4, Defacation in the park will be an environmental hazard (no sanitary facilities)

5. Safety and security for the visitors are of paramount concern.The open parkway requires a process for the safety and security of the visitors traveling the OPEN motor road (The Blueridge Parkway).Pisgah Inn is offers some degree of safety and security for the park visitor..

6. We in no way wish to belittle our president or our Congress. We in no way mean any disrespect to the National Park Service.This is a matter of safety and security for the public as well and protection of the Park environment. Our mission and mandate require us to take this action.

Under my contract, NPS has the authority to suspend operations “to protect area visitors” or “protect the resource.” Well, in this case, Pisgah Inn and our Transylvania County Sherrif, Fire, and EMT personnel will assume some of those duties.

We will remain open until such time as the Parkway is gated closed or until such time as we are forced to close.

For more info:

Contact: Bruce O'Connell

Pisgahinn@aol.com

Young, Deirdre R

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Wednesday, October 02, 2013 3:13 PM
To: Reynolds, William
Cc: Stinnett, Steve; Shawn Benge; Michael Litterst; Lena McDowall; Cam Sholly
Subject: Re: For your information see attached press release

havent cgottent the read out on the 1 pm meeting - what is our plan?

bill - please copy us on the tpts as well (know you will)

On Wed, Oct 2, 2013 at 3:08 PM, Reynolds, William <william_f_reynolds@nps.gov> wrote:
Steve, I am working on some draft talking points for you to respond to media queries, based on the call we had earlier with Cam and Lena. Will send as soon as I have a draft.
Bill

On Wed, Oct 2, 2013 at 2:49 PM, Stinnett, Steve <steve_stinnett@nps.gov> wrote:
Bill,

I thought I had copied you on this. I will ensure that you are included on future messages.

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: **Stinnett, Steve** <steve_stinnett@nps.gov>
Date: Wed, Oct 2, 2013 at 2:16 PM
Subject: Fwd: For your information see attached press release
To: Shawn Benge <shawn_benge@nps.gov>, David Horne <david_horne@nps.gov>, Cam Sholly <Cam_Sholly@nps.gov>, Charles Cuvelier <charles_cuvelier@nps.gov>, Suzanne Waldron <sue_waldron@nps.gov>

Updated information

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
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Cc: (b) (6)

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If not now, when? If not Pisgah Inn, then who?

Bruce

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

--
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: Reynolds, William <william_f_reynolds@nps.gov>
Sent: Wednesday, October 02, 2013 3:09 PM
To: Stinnett, Steve
Cc: Shawn Benge; Suzanne Waldron; Michael Litterst; Lena McDowall; Cam Sholly
Subject: Re: For your information see attached press release

Steve, I am working on some draft talking points for you to respond to media queries, based on the call we had earlier with Cam and Lena. Will send as soon as I have a draft.
Bill

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Updated information

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If not now, when? If not Pisgah Inn, then who?

Bruce

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

Young, Deirdre R

From: William Reynolds <william_f_reynolds@nps.gov>
Sent: Wednesday, October 02, 2013 2:22 PM
To: Sue_Waldron@nps.gov
Subject: Re: SER Issues

Thanks. If we have an issue I will ask you for the DOI POC.
Bill

From: Waldron, Suzanne [mailto:sue_waldron@nps.gov]
Sent: Wednesday, October 02, 2013 11:11 AM
To: Reynolds, William <william_f_reynolds@nps.gov>
Cc: Michael Litterst <Mike_Litterst@nps.gov>
Subject: Re: SER Issues

nope no one in olca - a couple in doi cong

On Wed, Oct 2, 2013 at 12:22 PM, Reynolds, William <william_f_reynolds@nps.gov> wrote:
FYI - the U.S. Rep for that part of BLRI is Rep. Mark Meadows.

Is anyone working in OLCA?

Thanks,
Bill

On Wed, Oct 2, 2013 at 11:03 AM, Reynolds, William <william_f_reynolds@nps.gov> wrote:
Need to alert you to a couple of SER issues that have potential for national media coverage:

1. BLRI - Pisgah Inn possibly staying open.
2. DRTO - call me to discuss

Bill

--
William F. Reynolds
Assistant Regional Director
National Park Service Southeast Region
O: 404-507-5612
C: 404-275-9838

--
William F. Reynolds
Assistant Regional Director
National Park Service Southeast Region
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Young, Deirdre R

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Wednesday, October 02, 2013 2:21 PM
To: Lena McDowall; Maureen Foster; Peggy O'Dell; Mike Litterst
Subject: Fwd: For your information see attached press release
Attachments: PRESS RELEASE.docx

press release is out -

Lena: what happened on the 1 pm call ?

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Subject: Fwd: For your information see attached press release
To: Shawn Benge <shawn_benge@nps.gov>, David Horne <david_horne@nps.gov>, Cam Sholly <Cam_Sholly@nps.gov>, Charles Cuvelier <charles_cuvelier@nps.gov>, Suzanne Waldron <sue_waldron@nps.gov>

Updated information

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October 2, 2013

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Bruce O'Connell, the concessioner, has cited the following reasons for his decision to continue operations....

1. The Blueridge Parkway is NOT BEING CLOSED to visitors.

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For more info:

Contact: Bruce O'Connell

Pisgahinn@aol.com

Young, Deirdre R

From: Stinnett, Steve <steve_stinnett@nps.gov>
Sent: Wednesday, October 02, 2013 2:17 PM
To: Shawn Benge; David Horne; Cam Sholly; Charles Cuvelier; Suzanne Waldron
Subject: Fwd: For your information see attached press release
Attachments: PRESS RELEASE.docx

Updated information

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
199 Hemphill Knob Rd
Asheville, NC 28803
828/348-3426 (O)
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Contact: Bruce O'Connell

Pisgahinn@aol.com

Young, Deirdre R

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Wednesday, October 02, 2013 2:11 PM
To: Reynolds, William
Cc: Michael Litterst
Subject: Re: SER Issues

nope no one in olca - a couple in doi cong

On Wed, Oct 2, 2013 at 12:22 PM, Reynolds, William <william_f_reynolds@nps.gov> wrote:
FYI - the U.S. Rep for that part of BLRI is Rep. Mark Meadows.

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Thanks,
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1. BLRI - Pisgah Inn possibly staying open.
2. DRTO - call me to discuss

Bill

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William F. Reynolds
Assistant Regional Director
National Park Service Southeast Region
O: 404-507-5612
C: 404-275-9838

--
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Young, Deirdre R

From: Reynolds, William <william_f_reynolds@nps.gov>
Sent: Wednesday, October 02, 2013 12:23 PM
To: Suzanne Waldron; Michael Litterst
Subject: Re: SER Issues

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

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Bill

--
William F. Reynolds
Assistant Regional Director
National Park Service Southeast Region
O: 404-507-5612
C: 404-275-9838

Young, Deirdre R

From: McDowall, Lena <lena_mcdowall@nps.gov>
Sent: Tuesday, October 15, 2013 4:05 PM
To: Jonathan Jarvis; Peggy O'Dell; Maureen Foster; Sue Waldron; Cam Sholly
Cc: Bruce Sheaffer
Subject: Concessioner Reopenings

All -

Here is the list of approved re-openings:

Blue Ridge Parkway
Mabry Mill Restaurant and Gift Shop
Folk Art Center
Northwest Trading Post
Peaks of Otter Lodge
Pisgah Inn

Cape Hatteras
Avon Pier
Oregon Inlet Fishing Center

Death Valley
Stovepipe Wells Village

Golden Gate NRA
Cliff House
Fort Barry and Fort Mason Hostels

Independence
City Tavern

Olympic NP
Kalaloch Lodge

Yosemite NP
Wawona Hotel and Grocery Store

Thanks,

Lena

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

Young, Deirdre R

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Tuesday, October 15, 2013 3:48 PM
To: Androff, Blake; Lena McDowall
Cc: Edward Boling; Kelly, Katherine; mike litterst; Nicole Buffa; Kevin Haugrud; Tim Fullerton
Subject: Re: Ted says DOJ has edits to Pisgah

updated:

On the record:

With the lapse in Congressional appropriations on October 1, 20,000 National Park Service employees were furloughed, 401 national parks were closed, and all activities within those parks halted. As the shutdown has dragged on, the National Park Service has undertaken -- at the written request of several concessioners and partners -- a comprehensive review of their specific circumstances. Where the NPS determines that the re-opening of a facility will not compromise NPS compliance with the Anti-Deficiency Act, operations will be allowed to resume.

On background:

On Tue, Oct 15, 2013 at 1:03 PM, Androff, Blake <blake_androff@ios.doi.gov> wrote:
Thanks, Ted.

Tim will post the policy on the website this afternoon. I will forward him the version named SOL Final.

Sue - do you have an updated statement that we can used if asked on the policy (we'll need to change the 401 and add a line about the updated policy being applied across the board)? Copied below is the most recent version for the case-by-case analyses:

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 in compliance with federal law. The National Park Service, however, has determined that resumption of operations at [name of property] can be allowed at this time consistent with the prohibitions in the Anti-Deficiency Act.

On background:

(b) (5)

On Fri, Oct 11, 2013 at 9:17 PM, Edward Boling <ted.boling@sol.doi.gov> wrote:
Blake - NPS should draft a new statement based on the final policy

Sent from my iPhone

On Oct 11, 2013, at 8:29 PM, "Androff, Blake" <blake_androff@ios.doi.gov> wrote:

> 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
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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

<Proposed DOI Statement.doj comments.docx>

--

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

--

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Young, Deirdre R

From: McDowall, Lena <lena_mcdowall@nps.gov>
Sent: Tuesday, October 15, 2013 3:20 PM
To: Suzanne Waldron
Subject: Re: Concessionaire Policy

Does Jon know they're about to publish? I thought we had a final version when I saw Jack's e-mail on Friday to, but my understanding from Jon at this morning's meeting was that SOL was not the final word on this. I'm concerned that they're all talking to different people.

On Tue, Oct 15, 2013 at 3:11 PM, Suzanne Waldron <sue_waldron@nps.gov> wrote:

Sent from my iPhone

Begin forwarded message:

> **From:** "Androff, Blake" <blake_androff@ios.doi.gov>
> **Date:** October 15, 2013, 3:09:55 PM EDT
> **To:** Suzanne Waldron <Sue_Waldron@nps.gov>, Michael Litterst <Mike_Litterst@nps.gov>
> **Cc:** Katherine Kelly <Kate_Kelly@ios.doi.gov>, Nicole Buffa <Nicole_buffa@ios.doi.gov>, Tim Fullerton <tim_fullerton@ios.doi.gov>, Kevin Haugrud <Jack.Haugrud@sol.doi.gov>
> **Subject: Concessionaire Policy**
>
> NPS Comms --
>
> Attached is the version that Jack sent after SOL review. My understanding is this is the final version.
>
> Best,
>
> Blake
>
> --
> **Blake Androff**
> Deputy Director of Communications
> U.S. Department of the Interior
> Office: (202) 208-6416 | Cell: (202) 725-7435

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

Young, Deirdre R

From: Suzanne Waldron <sue_waldron@nps.gov>
Sent: Tuesday, October 15, 2013 2:56 PM
To: Androff, Blake; Lena McDowall
Cc: Edward Boling; Kelly, Katherine; mike litterst; Nicole Buffa; Kevin Haugrud; Tim Fullerton
Subject: Re: Ted says DOJ has edits to Pisgah

Can someone send the approved policy, please?

Sent from my iPhone

On Oct 15, 2013, at 1:03 PM, "Androff, Blake" <blake_androff@ios.doi.gov> wrote:

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> Sue - do you have an updated statement that we can used if asked on the policy (we'll need to change the 401 and add a line about the updated policy being applied across the board)? Copied below is the most recent version for the case-by-case analyses:
>
> **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 in compliance with federal law. The National Park Service, however, has determined that resumption of operations at [name of property] can be allowed at this time consistent with the prohibitions in the Anti-Deficiency Act.
>
> **On background:**

On Fri, Oct 11, 2013 at 9:17 PM, Edward Boling <ted.boling@sol.doi.gov> wrote:

Blake - NPS should draft a new statement based on the final policy

Sent from my iPhone

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> For present purposes, DOJ would be fine with this statement:
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> (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)
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Department of the Interior
(202) 208 2409
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Sue Waldron
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U.S. Department of the Interior
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<Proposed DOI Statement.doj comments.docx>

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Office: (202) 208-6416 | Cell: (202) 725-7435

Young, Deirdre R

From: Androff, Blake <blake_androff@ios.doi.gov>
Sent: Tuesday, October 15, 2013 1:03 PM
To: Edward Boling
Cc: Kelly, Katherine; Waldron, Suzanne; mike litterst; Nicole Buffa; Kevin Haugrud; Tim Fullerton
Subject: Re: Ted says DOJ has edits to Pisgah

Thanks, Ted.

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Young, Deirdre R

From: Lisa Mendelson <lisa_mendelson-ielmini@nps.gov>
Sent: Sunday, October 13, 2013 9:46 AM
To: Peggy O'Dell; Maureen Foster; Sue Waldron
Subject: Congressional inquiry -CHOH Canal Trust

Good morning - the following email was just forwarded to me by CHOH from the Canal Trust, which was approached by Mr Moran's office in relation to the 10/16 hearing.

Other than @ Claude Moore @ GEMP this is the only inquiry I've heard of. As of yesterday none of the NCR parks reported direct requests for info.

Thx,
-Lisa

-----Original Message-----
From: Mike Nardolilli <nardolilli@canaltrust.org>
To: MJ Veverka MJ Veverka (b)(6) ; Michael Mitchell
Michael Mitchell (b)(6) ; Kathy Poole <Kathy Poole (b)(6)
Cc: 'Mike Nardolilli' <Mike Nardolilli (b)(6)
Sent: Sat, Oct 12, 2013 2:24 pm
Subject: Congressional Inquiry

As you may be aware, there has been a lot of chatter in the blogs about CHOH's decision to remove the pump handles from the public wells along the C&O Canal. Seehttp://www.catholic.org/national/national_story.php?id=52673 (I also received a number of complaints at the event at Shepherdstown yesterday). While not rising to the level of the World War II memorial's access for veterans, many of the same arguments have been raised in our neck of the woods that this "spiteful" decision is all part of a conspiracy by the Park Service to make the public "feel their pain." We have responded both by posting factual responses (similar to that which appears below) where appropriate and in our own social media. In addition, there is a congressional hearing in the House on Wednesday to discuss the response of the National Park Service to the shutdown.

In connection with that oversight hearing, I received a telephonic request from Tim Aiken, Congressman Moran's Legislative Director, for some information about this issue. Congressman Moran is my representative and I have known both Congressman Moran and Tim Aiken for many years.

My suggested response appears below. Please advise.

Mike Nardolilli
President
C&O Canal Trust|1850 Dual Highway, Suite 100|Hagerstown, MD 21740
Cell: 240.313.8450|www.canaltrust.org

From: Michael Nardolilli Michael Nardolilli (b)(6)
Sent: Saturday, October 12, 2013 1:56 PM
To: nardolilli@canaltrust.org
Subject: C&O Canal

Dear Mr. Aiken:

In my capacity as President of the C&O Canal Trust, the official nonprofit partner of the C&O Canal National Historical Park, I am responding to your request for information regarding the removal of pump handles from the public wells along the 184.5-mile long C&O Canal. As you aware, numerous stories have been posted on-line about this issue, includinghttp://www.bizpacreview.com/2013/10/11/park-service-removes-handles-from-water-fountains-85030 I am pleased to be afforded the opportunity to respond.

The C&O Canal Trust runs the popular "Canal Quarters" program whereby the public can rent historic lockhouses along the Canal. Many of these lockhouses lack running water and the public uses nearby public wells along the towpath in the Park for this purpose. As a result, the Trust is aware of the requirement under Maryland law that these public wells be tested every two weeks and the Park regularly advises the Trust concerning whether all the wells pass these tests.

Prior to the lapse in appropriations, the Park advised the Trust that it was anticipating a shutdown similar to that which occurred in 1995-96 (three weeks). Accordingly, because the Park would not be able to test these wells every two weeks, the Park was forced to remove all the pump handles as a matter of public health. In fact, because of when a particular well was last tested, the Park is already beyond the time frame and would be out of compliance with state water standards if the pump handles had not been removed.

In addition, prior to the lapse in appropriations, the Park advised the Trust that we would be forced to shutter our "Canal Quarters" program for the duration of the shutdown. Last week, the Trust lost $2,000 in revenue due to the cancellations of reservations at the historic lockhouses.

I would be happy to provide any additional information upon request.

Sincerely,
Michael Nardolilli

President C&O Canal Trust
www.canaltrust.org

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

Young, Deirdre R

From: Dalby, Craig <craig_dalby@nps.gov>
Sent: Saturday, October 12, 2013 12:46 PM
To: Suzanne Waldron
Cc: Lena McDowall
Subject: Re: Concessions opening at closed parks

Good. That was our take on how we'd handle it. Thanks!

Craig Dalby
Chief, Public Information
Pacific West Region
National Park Service
206-220-4261

On Sat, Oct 12, 2013 at 9:37 AM, Suzanne Waldron <sue_waldron@nps.gov> wrote:
Not nps. So far. Doubt that will change

Sent from my iPhone

On Oct 12, 2013, at 12:32 PM, "Dalby, Craig" <craig_dalby@nps.gov> wrote:

> Specifically on the topic of NPS issuing a press release or making other public notification about a concession opening in a closed park, has that happened in any instance yet? Say, with Claude Moore -- who got the word out about it reopening?
>
> ---
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> On Sat, Oct 12, 2013 at 8:43 AM, Suzanne Waldron <sue_waldron@nps.gov> wrote:
> Sorry! That policy is still being finalized jon had calls with superintendents abd major concessioners yesterday to give state of play. I was otherwise ocvupied but believe he gave general criteria thst will be considered and to submit request in writing
>
> Looping lena for soecifics
>
> Sent from my iPhone

On Oct 12, 2013, at 11:40 AM, "Dalby, Craig" <craig_dalby@nps.gov> wrote:

Sorry, I need to clarify. I'm talking about concessions opening at parks that are still closed. We think it's up to the concessioner to get the word out.

Craig Dalby
Chief, Public Information
Pacific West Region
National Park Service
206-220-4261

On Sat, Oct 12, 2013 at 8:31 AM, Suzanne Waldron <sue_waldron@nps.gov> wrote:
Craig. The opening of concessions in reopening parks will be decided case by case at the park and depends on willingness and capacity of concessioner to open up for the period of time the park will be open.
See the q&a we sent yesterday

Not sure if this comminicated to each comcessioner or thru the superintendents

Lena any other thoughts?

Sent from my iPhone

On Oct 12, 2013, at 10:42 AM, "Dalby, Craig" <craig_dalby@nps.gov> wrote:

> Have you or the affected parks sent out any press releases on concessions opening, or was that left to the individual concessioners to handle? Also, is the concessions guidance posted yet?
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Pacific West Region
National Park Service
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Young, Deirdre R

From: Suzanne Waldron <sue_waldron@nps.gov>
Sent: Friday, October 11, 2013 10:28 PM
To: McDowall, Lena
Subject: Re: Ted says DOJ has edits to Pisgah

Argh! Sorry you are still there. Maureen left when i did around 8:45.

Assume you saw niki's note of "almost" final

I'll read this all again when i'm awake
If i can help, happy to do so...what ever you need

Sue Waldron
Assistant Director, Communications
National Park Service

Sent from my iPad

On Oct 11, 2013, at 10:21 PM, "McDowall, Lena" <lena_mcdowall@nps.gov> wrote:

> I am so #%#%# tired of this. I thought we had a final policy, then Maureen sends me an e-mail saying that the policy I thought was in final was for my (and Peggy and Jon's) eyes only. I'll have to find out in the morning what the deal is. I just tried to call Maureen, but I think she's gone for the night. FYI The department agreed to allow us to approve a few concessions at the 11th hour. The concessions below are approved to reopen. I just got the last approval memo out the door. Call me if you have questions. On my cell - I'm leaving in 5 minutes.
>
> - Cliff House, San Francisco GOGA
> - City Tavern, Phillly INDE
> - Peaks of Otter Lodge BLRI
> - Wawona Hotel and Grocery Store YOSE
> - Hostels International/Golden Gate Council (2 hostels, 1 at Fort Barry another at Fort Mason) GOGA
>
> so now I've made your communications job even more difficult.
>
> On Fri, Oct 11, 2013 at 9:51 PM, Suzanne Waldron <sue_waldron@nps.gov> wrote:
> Who needs sleep?
>
> So there is a final policy?
>
> Sue Waldron
> Assistant Director, Communications
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> Sent from my iPad

On Oct 11, 2013, at 9:19 PM, Blake Androff <blake_androff@ios.doi.gov> wrote:

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Deputy Director of Communications
U.S. Department of the Interior

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

Young, Deirdre R

From: McDowall, Lena <lena_mcdowall@nps.gov>
Sent: Friday, October 11, 2013 10:22 PM
To: Suzanne Waldron
Subject: Re: Ted says DOJ has edits to Pisgah

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Cell: (202) 641-1814
Email: Lena_McDowall@nps.gov

Young, Deirdre R

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent: Friday, October 11, 2013 10:08 PM
To: Suzanne Waldron
Cc: Blake Androff; Edward Boling; Kelly, Katherine; mike litterst; Kevin Haugrud; McDowall Lena
Subject: Re: Ted says DOJ has edits to Pisgah

Almost. Yes.

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On Thu, Oct 10, 2013 at 3:23 PM, Kelly, Katherine <kate_kelly@ios.doi.gov> wrote:
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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
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EXPERIENCE YOUR AMERICA

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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

<Proposed DOI Statement.doj comments.docx>

Young, Deirdre R

From: Suzanne Waldron <sue_waldron@nps.gov>
Sent: Friday, October 11, 2013 9:51 PM
To: Blake Androff
Cc: Edward Boling; Kelly, Katherine; mike litterst; Nicole Buffa; Kevin Haugrud; McDowall Lena
Subject: Re: Ted says DOJ has edits to Pisgah

Who needs sleep?

So there is a final policy?

Sue Waldron
Assistant Director, Communications
National Park Service

Sent from my iPad

On Oct 11, 2013, at 9:19 PM, Blake Androff <blake_androff@ios.doi.gov> wrote:

> Thanks. Will leave that in Sue's capable hands. After she gets some sleep.
>
> Blake Androff
> Deputy Director of Communications
> U.S. Department of the Interior
>
> On Oct 11, 2013, at 9:17 PM, Edward Boling <ted.boling@sol.doi.gov> wrote:
>
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> >
> > Sent from my iPhone
> >
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> >
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> > > 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)
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Young, Deirdre R

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Sent: Friday, October 11, 2013 9:19 PM
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Subject: Re: Ted says DOJ has edits to Pisgah

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U.S. Department of the Interior
Office: (202) 208-6416 | Cell: (202) 725-7435

<Proposed DOI Statement.doj comments.docx>

Young, Deirdre R

From: Barry Roth <barry.roth@sol.doi.gov>
Sent: Friday, October 11, 2013 5:16 PM
To: Suzanne Waldron; Rob Eaton
Subject: Fwd: Hear back from them yet??
Attachments: Voluntary Dimissal.AS FILED.pdf

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

Sent from my iPhone

Begin forwarded message:

> **From:** "Fondren, Kim" <kim.fondren@sol.doi.gov>
> **Date:** October 11, 2013, 5:11:49 PM EDT
> **To:** Lisa Mendelson <lisa_mendelson-ielmini@nps.gov>, Barry Roth <Barry.Roth@sol.doi.gov>, "Margaret O'Dell" <Peggy_O'Dell@nps.gov>
> **Subject: Fwd: Hear back from them yet??**
>
> Voluntary dismissal by the group is attached.
>
> ---------- Forwarded message ----------
> From: **Wetzler, Lauren (USAVAE)** <Lauren.Wetzler@usdoj.gov>
> Date: Fri, Oct 11, 2013 at 4:55 PM
> Subject: RE: Hear back from them yet??
> To: "Fondren, Kim" <kim.fondren@sol.doi.gov>

> **From:** Fondren, Kim [mailto:kim.fondren@sol.doi.gov]
> **Sent:** Friday, October 11, 2013 4:48 PM
> **To:** Wetzler, Lauren (USAVAE)
> **Subject:** Hear back from them yet??

--
Kimberly Fondren

Attorney-adviser

Division of Parks and Wildlife

Office of the Solicitor

Department of Interior

202-208-4338

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

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

MCLEAN YOUTH ATHLETICS and MCLEAN YOUTH LACROSSE Plaintiffs, *v.* UNITED STATES DEPARTMENT OF INTERIOR NATIONAL PARK SERVICE Defendant.	)	Civil Action No. 1:13CV1257 (LOG/JFA)

NOTICE OF VOLUNTARY DISMISSAL

The National Park Service having complied with this Court's Order of October 9, 2013, and having directed the Fairfax County Park Authority that it may keep Langley Forks Park open throughout the duration of the lapse in appropriations, Plaintiffs hereby VOLUNTARILY DISMISS their claims pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i).

Respectfully submitted,

/s/

Alan Yamamoto, Esq.
VSB No. 25872
Counsel for Plaintiffs
643 South Washington St.
Alexandria, VA 22314
Tel: (703) 684-4700
yamamoto.law@verizon.net

Counsel for Plaintiffs

Young, Deirdre R

From: Suzanne Waldron <sue_waldron@nps.gov>
Sent: Friday, October 11, 2013 3:49 PM
To: Androff, Blake
Cc: Boling, Edward; Kelly, Katherine; mike litterst; Lena McDowall
Subject: Re: Ted says DOJ has edits to Pisgah

Where did this land on status of this? Blri is getting hammered

Sent from my iPhone

On Oct 10, 2013, at 5:21 PM, "Androff, Blake" <blake_androff@ios.doi.gov> wrote:

> Ted - can you give me a ring at your convenience. I want to be crystal clear on what DOJ is asking us to do (or not do).
>
> 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.
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> (b) (5) [redacted]
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> How's that?
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U.S. Department of the Interior
Office: (202) 208-6416 | Cell: (202) 725-7435

Young, Deirdre R

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Friday, October 11, 2013 2:35 PM
To: Ahern, Jane
Cc: Michael Caldwell; Michael Litterst; Dennis Reidenbach; Gay Vietzke
Subject: Re: NER Short List for the Weekend - Communications/Top Issues

cell is (b) (6) [redacted]

On Fri, Oct 11, 2013 at 12:55 PM, Ahern, Jane <jane_ahern@nps.gov> wrote:

> **Hi Sue:** In addition to emails I've been sending to you/Mike Litterst, here is the NER partial list of "ongoing items" for Sunday/Monday when Mike Caldwell will be POC in my absence. We can provide more info if you need it on the list below. Most of this info has already been sent to you/Mike. Some info is from more recent updates.
>
> **Dennis/Mike C.**: Mike Litterst is out of the office until Tuesday of next week. Sue is POC over the weekend for any media incidents/events of note. Contact: 202 208-3046 (office) *Sue if you have a cell you want to share
> please do.
>
> 1. NERI Bridge Day - October 19 - Event will happen with/without NPS permit. Minimal excepted staff will be on NPS land below for emergency only - but awaiting Cam's feedback from solicitor. So far, we have refrained from comment in press.
>
> 2. INDE, City Tavern Opening - If CUAs are allowed to request reopening (awaiting info from Lena's shop) they will be sending the request. If BLRI and Pisgah Inn get press we may see other NER CUAs going to the press/elected officials.
>
> 3. Appalachian Trail Commission Ron Tipton - Letter to our RD asking to reopen facilities - Mike Caldwell has been in contact with him. Tipton is sending a letter to congress about the ATC position on the shutdown.
>
> 4. COLO - Historic Jamestowne - Starting Saturday (see email with NPS statement, draft) visitors to Preservation Virginia will be allowed access via Hwy 31. Confirmed via DC.
>
> 5. GATE - Ft Wadsworth and the NYC Marathon - Also on Cam's list. The NPS and USPP staff the event, held Nov 3. Staging begins Oct 19.
>
> 6. VAFO runners in the park continuing coverage - 100$ ticket heard round the world. Facts: Ticket was for parking on a closed trail in the park, not for running in the park.

7. VAFO/GETT/INDE: Weekend shutdown protests, NER Chief Ranger Steve Clark is coordinating strategies with WASO and parks. At VAFO, in addition to several speakers there may also be a local broadcast live (1210 am radio - Dom Giordano Program) from the site.

8. At COLO - the Yorktown Days on October 19th - Despite the closure, the group is still planning on having the ceremony at the monument. Park has a meeting with the organizers next Wednesday, but again, at this point, they intend to violate the closure.

9. COLO - The Carrot Tree restaurant continues to operate. NPS current statement: *Carrot Tree is operating in violation of a closure order, which is prohibited under the terms of their contract. The National Park Service is assessing the situation and examining options. (Lena's shop)*

10. FEHA - Continue to receive excellent support from the USPP who are patrolling the unit twice a day. Since the arrest of an individual last Saturday night from Occupy Wall Street at the site, there have been no additional complaints from local residents or any reports of anyone "staying/sleeping" overnight at the top of the steps.

11. ACAD - Still awaiting a decision from the Solicitor regarding the access to bodies of water in the park from the Colonial Ordinance of 1647..We have advised the park to continue to deny access based on 1.5, but a local rod and gun club continue to push the issue.

--
Jane Ahern
Chief of Communications and Legislative Affairs
National Park Service - Northeast Region
Phone: 215-597-0865
Cell: 215-817-5870
Visit us on the web:
http://www.nps.gov/nero

How are we doing? Feedback and suggestions can be sent to:
NERO_Customer_Feedback@nps.gov

200 Chestnut Street, Suite 502
Philadelphia, PA 19106
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Young, Deirdre R

From: Ahern, Jane <jane_ahern@nps.gov>
Sent: Friday, October 11, 2013 12:55 PM
To: Suzanne Waldron; Michael Caldwell
Cc: Michael Litterst; Dennis Reidenbach; Gay Vietzke
Subject: NER Short List for the Weekend - Communications/Top Issues

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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>
Date: Oct 11, 2013 11:35 AM
Subject: Media Inquiry
To: <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 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

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>
Date: Oct 11, 2013 11:35 AM
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To: <mike_litterst@nps.gov>
Cc:

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Best,
Natalie

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Natalie Rodriguez
Senior Reporter

Legal News & Data
860 Broadway, 6th Floor
New York, NY 10003
646-783-7199

Young, Deirdre R

From: Reynolds, William <william_f_reynolds@nps.gov>
Sent: Friday, October 11, 2013 11:06 AM
To: Sue Waldron; Michael Litterst
Subject: Fwd: Google Alert - Blue Ridge Parkway

FYI

---------- Forwarded message ----------
From: **Google Alerts** <googlealerts-noreply@google.com>
Date: Fri, Oct 11, 2013 at 10:05 AM
Subject: Google Alert - Blue Ridge Parkway
To: william_f_reynolds@nps.gov

News **10** new results for **Blue Ridge Parkway**

Blue Ridge Parkway Inn Reopens With Federal Approval WFMY News 2
Inn owner Bruce O'Connell said Wednesday the Interior Department of Interior agreed to let him reopen his lodge on the **Blue Ridge Parkway** in exchange for **...**
See all stories on this topic »

Folk Art Center on **parkway** near Asheville reopens Asheville Citizen-Times
Folk Art Center in Asheville reopens: The Folk Art Center on the **Blue Ridge Parkway** reopened after a nine-day closure because of the federal shutdown.
See all stories on this topic »

Mabry Mill, other **parkway** attractions poised to reopen Roanoke Times
After being closed for 10 days because of the federal government shutdown, some popular **Blue Ridge Parkway** attractions are on the verge of reopening.
See all stories on this topic »

Shutdown's toll on parks: $23.1 million lost in Smokies alone Asheville Citizen-Times
Emergency repairs on the **Blue Ridge Parkway** at Interstate 26 continued despite the ongoing government shutdown. 10/9/13. Erin Brethauer, Robert Bradley **...** NPR
See all stories on this topic »

Folk Art Center Reopens WLOS
The center on the **Blue Ridge Parkway** was forced to close on October 1st, because of the government shutdown. The Southern Highland Craft Guild operates **...**
See all stories on this topic »

Pisgah Inn wins showdown over federal shutdown Asheville Citizen-Times
BLUE RIDGE PARKWAY — A day after preparing to close for the rest of the season, workers at the Pisgah Inn were back on the job and the inn's owner claimed **...**
See all stories on this topic »

Mabry Mill to reopen Friday morning WSLS

A restaurant on the **Blue Ridge Parkway** forced to close its doors due to the government shutdown will reopen tomorrow. Karen Radcliff, the operator of Mabry **...**
See all stories on this topic »

Mabry Mill reopening Friday TriCities.com
Mabry Mill and Gift Shop, a major attraction along the **Blue Ridge Parkway**, will reopen tomorrow (Friday). The venue closed October 1 due to the federal **...**
See all stories on this topic »

Hocus Focus Boone Mountain Times
Per tradition, this year's contest will feature a **Blue Ridge Parkway** category — "Parkway People." "Landscape is typically the biggest category," Campbell said, **...**
See all stories on this topic »

North Carolina inn reopens after challenging government shutdown **...** WHTC
Bruce O'Connell, whose family has run the Pisgah Inn along the **Blue Ridge Parkway** since the late 1970s, fought back after being forced to close his 51-room **...**
See all stories on this topic »

Blogs **1** new result for **Blue Ridge Parkway**

Blue Ridge Parkway, Day 5 Photos | SteepClimbs.com aaronwest
I took a ton of photos today, and it was tough to trim them down to just a few. Here are the ones I feel best represent the day.
SteepClimbs.com

Delete this alert.
Create another alert.
Manage your alerts.

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

Young, Deirdre R

From: McDowall, Lena <lena_mcdowall@nps.gov>
Sent: Friday, October 11, 2013 9:11 AM
To: Sue Waldron
Subject: Fwd: Interim Policy/Closure Draft after Ted's review
Attachments: Interim Policy with edits.draft 101113-810am.docx

---------- Forwarded message ----------
From: **Roth, Barry** <barry.roth@sol.doi.gov>
Date: Fri, Oct 11, 2013 at 8:20 AM
Subject: Interim Policy/Closure Draft after Ted's review
To: Jonathan Jarvis <jon_jarvis@nps.gov>, "O'Dell, Peggy" <Peggy_O'Dell@nps.gov>, "Foster, Maureen" <Maureen_Foster@nps.gov>, "Sheaffer, C. B." <Bruce_Sheaffer@nps.gov>, "McDowall, Lena" <Lena_McDowall@nps.gov>, Rob Eaton <robert.eaton@sol.doi.gov>

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

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

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. Under the provisions of the Antideficiency Act (Act), in the absence of an appropriation NPS is able to undertake only very limited activities, primarily related to emergencies (b) (5)

(b) (5)

Consistent with its regulations and the terms of the applicable agreements, the Closure Notice suspended special use permits, concessions, commericial 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 within the National parks 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 in violation of the Antideficiency Act, the Closure Notice is hereby amended as follows:

14. The Director of the National Park Service, (b) (5)
(b) (5) 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 a request for reconsideration by the Director is received and he 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 (b) (5)
B. The facility or area is accessible from private land or a road that is currently open. This may be a state or park 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 other 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.

(b) (5)

(b) (5)

(b) (5)

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. 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 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. The Director's decision on reconsideration is final agency action.

(b) (5)

Jonathan Jarvis
Director, National Park Service

Date

Young, Deirdre R

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Friday, October 11, 2013 9:06 AM
To: Androff, Blake; Lena McDowall; Bruce Sheaffer; Peggy O'Dell
Cc: Boling, Edward; Kelly, Katherine
Subject: Re: Ted says DOJ has edits to Pisgah

blue ridge parkway is seeing a number of other operators (dont know if they are concessions or othe partners) opening up today-

how far are we from being able to annouce/explain the process to submit a written request to open ?

direction on what to say about those that have/are open????

On Thu, Oct 10, 2013 at 5:21 PM, Androff, Blake <blake_androff@ios.doi.gov> wrote:
Ted - can you give me a ring at your convenience. I want to be crystal clear on what DOJ is asking us to do (or not do).

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

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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

--
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Young, Deirdre R

From: McDowall, Lena <lena_mcdowall@nps.gov>
Sent: Friday, October 11, 2013 8:54 AM
To: Waldron, Suzanne
Cc: Rick Delappe; delapper@gmail.com
Subject: Re: Q&A Changes/Rec.gov info for potential openings

I think Arches, Zion and Bryce and 1 or 2 others. Rick can confirm.

On Fri, Oct 11, 2013 at 8:49 AM, Waldron, Suzanne <sue_waldron@nps.gov> wrote:
which of the 8 utah parks in play right now take reservatiions thru rec.gov?

On Fri, Oct 11, 2013 at 8:41 AM, McDowall, Lena <lena_mcdowall@nps.gov> wrote:
Sue -

Talked to Rick DeLappe last night. He's spent some time on the phone with the Rec.gov contractor. It looks like it is not going to be possible for them to handle new reservations or attempts to reinstate cancelled reservations over the phone. It will have to be first-come, first-serve for customers who do not already have existing campground reservations. Rick is standing by this morning to start working with you on campground reservation messaging that should accompany the messaging around any park opening. Once we know what parks may be open, Rec.gov can send an e-mail to customers who have existing reservations for that timeframe to let them know that the park will be open and they can use their reservation if they wish. Rick can be reached at (b) (6)

Thanks,

Lena

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

--
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Ph: (202) 208-5651
Cell: (202) 641-1814
Email: Lena_McDowall@nps.gov

Young, Deirdre R

From: McDowall, Lena <lena_mcdowall@nps.gov>
Sent: Friday, October 11, 2013 8:42 AM
To: Sue Waldron
Cc: Rick Delappe; delapper@gmail.com
Subject: Q&A Changes/Rec.gov info for potential openings

Sue -

Talked to Rick DeLappe last night. He's spent some time on the phone with the Rec.gov contractor. It looks like it is not going to be possible for them to handle new reservations or attempts to reinstate cancelled reservations over the phone. It will have to be first-come, first-serve for customers who do not already have existing campground reservations. Rick is standing by this morning to start working with you on campground reservation messaging that should accompany the messaging around any park opening. Once we know what parks may be open, Rec.gov can send an e-mail to customers who have existing reservations for that timeframe to let them know that the park will be open and they can use their reservation if they wish. Rick can be reached a(b) (6)

Thanks,

Lena

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

Young, Deirdre R

From: Androff, Blake <blake_androff@ios.doi.gov>
Sent: Thursday, October 10, 2013 5:22 PM
To: Boling, Edward
Cc: Kelly, Katherine; Waldron, Suzanne; mike litterst
Subject: Re: Ted says DOJ has edits to Pisgah

Ted - can you give me a ring at your convenience. I want to be crystal clear on what DOJ is asking us to do (or not do).

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)
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Ted.Boling@sol.doi.gov

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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.

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Kate Kelly
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kate_kelly@ios.doi.gov

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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

Young, Deirdre R

From: Boling, Edward <ted.boling@sol.doi.gov>
Sent: Thursday, October 10, 2013 3:30 PM
To: Kelly, Katherine
Cc: Waldron, Suzanne; Androff, Blake J; mike litterst
Subject: Re: Ted says DOJ has edits to Pisgah
Attachments: Proposed DOI Statement.doj comments.docx

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:

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How's that?

Ted Boling
Deputy Solicitor -- Parks & Wildlife
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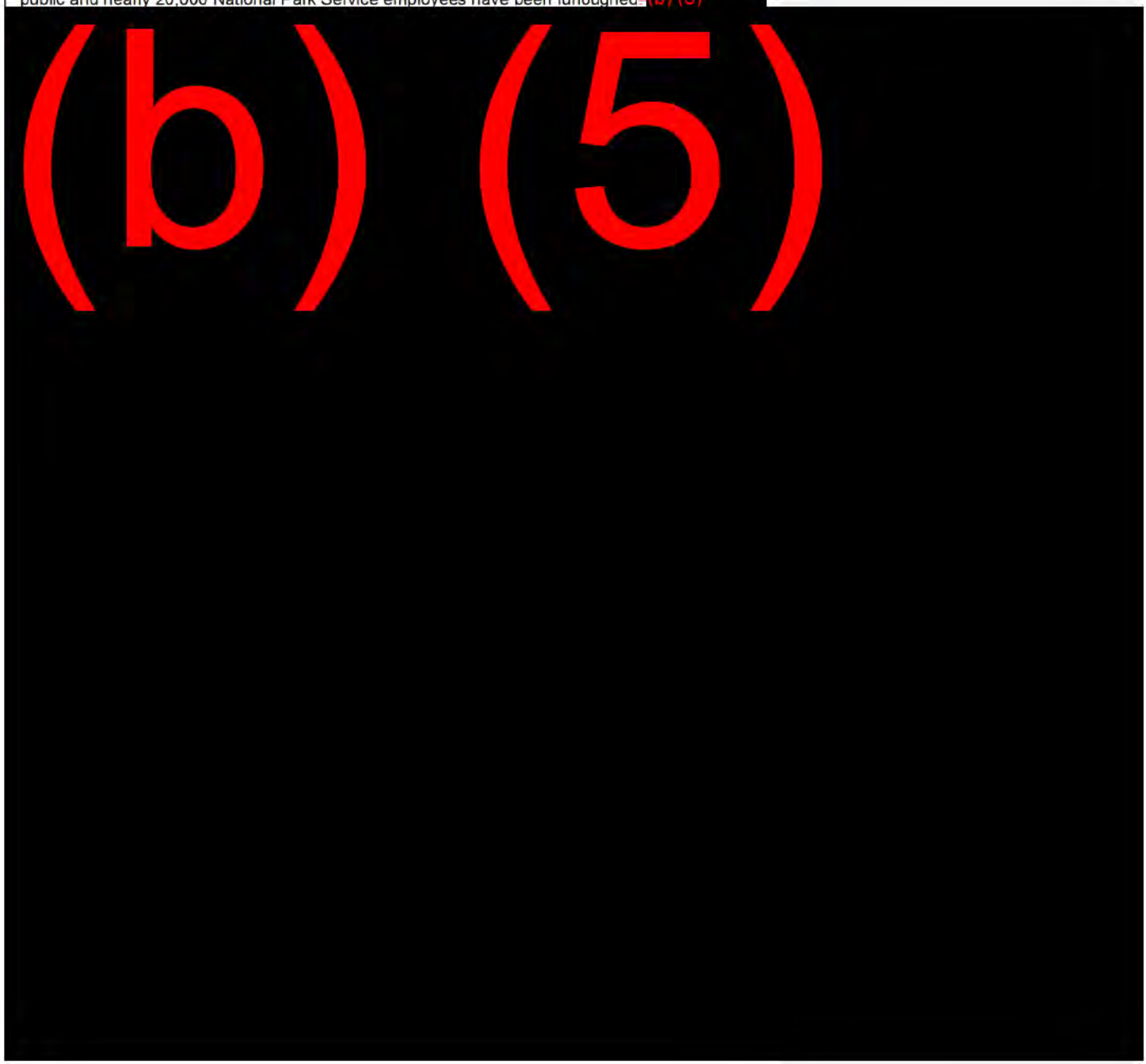
kate_kelly@ios.doi.gov

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)



Young, Deirdre R

From: Kelly, Katherine <kate_kelly@ios.doi.gov>
Sent: Thursday, October 10, 2013 3:23 PM
To: Waldron, Suzanne
Cc: Androff, Blake J; Ted Boling; mike litterst
Subject: Re: Ted says DOJ has edits to Pisgah

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Young, Deirdre R

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Sent: Thursday, October 10, 2013 3:22 PM
To: Kelly, Katherine
Cc: Androff, Blake J; Ted Boling; mike litterst
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Young, Deirdre R

From: Kelly, Katherine <kate_kelly@ios.doi.gov>
Sent: Thursday, October 10, 2013 2:31 PM
To: Androff, Blake J; Ted Boling; Suzanne Waldron; mike litterst
Subject: Ted says DOJ has edits to Pisgah

Please hold til we get those back.

--

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

Young, Deirdre R

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Thursday, October 10, 2013 11:54 AM
To: Reynolds, William
Cc: Michael Litterst
Subject: Re: DRAFT Pisgah Inn talking points - Reuters query

sending you the approved statement

On Thu, Oct 10, 2013 at 11:24 AM, Reynolds, William <william_f_reynolds@nps.gov> wrote:
Left you both a voicemail on this.

May I say something like this:

DRAFT Statement on Pisgah Inn:

(b) (5)

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

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

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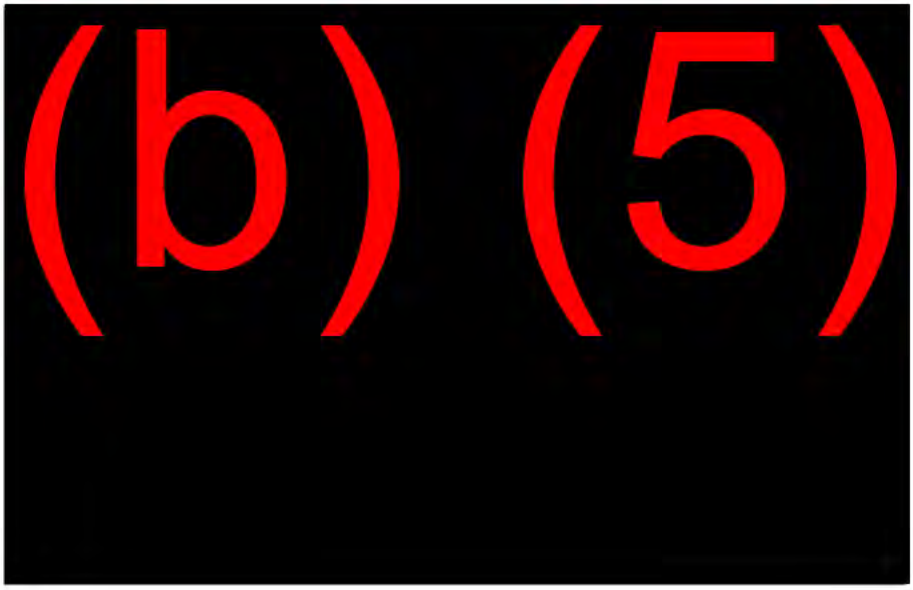
Young, Deirdre R

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Thursday, October 10, 2013 11:54 AM
To: Kate Kelly; Blake Androff; Mike Litterst
Subject: ser reqio has request for comment from reuters on psigah

just confirming that this is the final, approved statement (



--
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Assistant Director, Communications
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EXPERIENCE YOUR AMERICA

Young, Deirdre R

From: Reynolds, William <william_f_reynolds@nps.gov>
Sent: Thursday, October 10, 2013 11:25 AM
To: Sue Waldron; Michael Litterst
Subject: DRAFT Pisgah Inn talking points - Reuters query

Left you both a voicemail on this.

May I say something like this:

DRAFT Statement on Pisgah Inn:

(b) (5)

--
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 09, 2013 8:04 PM
To: Mike Litterst; Kate Kelly; Blake Androff
Subject: Fwd: Fox News Article on Pisgah

Sent from my iPhone

Begin forwarded message:

> **From:** "Sholly, Cam" <cam_sholly@nps.gov>
> **Date:** October 9, 2013, 8:01:07 PM EDT
> **To:** "Margaret O'Dell" <peggy_o'dell@nps.gov>, Maureen Foster <Maureen_Foster@nps.gov>, Suzanne Waldron <sue_waldron@nps.gov>, Shawn Benge <shawn_benge@nps.gov>, David Horne <david_horne@nps.gov>
> **Subject: Fox News Article on Pisgah**
>
> http://www.foxnews.com/politics/2013/10/09/businesses-forced-to-close-during-slimdown-fight-for-rights-reopen/
>
> _____
> Cameron Sholly
> Associate Director
> Visitor and Resource Protection
> National Park Service
> (202) 565-1020-w
> (202) 501-1287-f

Young, Deirdre R

From: Sholly, Cam <cam_sholly@nps.gov>
Sent: Wednesday, October 09, 2013 8:01 PM
To: Margaret O'Dell; Maureen Foster; Suzanne Waldron; Shawn Benge; David Horne
Subject: Fox News Article on Pisgah

http://www.foxnews.com/politics/2013/10/09/businesses-forced-to-close-during-slimdown-fight-for-rights-reopen/

Cameron Sholly
Associate Director
Visitor and Resource Protection
National Park Service
(202) 565-1020-w
(202) 501-1287-f

Young, Deirdre R

From: Kelly, Katherine <kate_kelly@ios.doi.gov>
Sent: Wednesday, October 09, 2013 6:43 PM
To: Androff, Blake J; Suzanne Waldron; mike litterst
Subject: USA Today on pisgah

http://www.usatoday.com/story/news/nation/2013/10/09/blue-ridge-parkway-pisgah-inn/2955043/

--

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

Young, Deirdre R

From: Suzanne Waldron <sue_waldron@nps.gov>
Sent: Wednesday, October 09, 2013 5:06 PM
To: Androff, Blake
Cc: Kate Kelly; Peggy O'Dell; Bruce Sheaffer; Lena McDowall; Mike Litterst
Subject: Re: Pisgah/moore statement

Heard niki got involved. in meeting and Barry and bruce just revised sentence to read

(b) (5)

Work for you/yours?

Sent from my iPhone

On Oct 9, 2013, at 4:52 PM, "Androff, Blake" <blake_androff@ios.doi.gov> wrote:

> Updates?
>
> On Wed, Oct 9, 2013 at 12:50 PM, Suzanne Waldron <sue_waldron@nps.gov> wrote:
> Barry is talking to jack
>
> Sent from my iPhone

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

Young, Deirdre R

From: Androff, Blake <blake_androff@ios.doi.gov>
Sent: Wednesday, October 09, 2013 4:52 PM
To: Suzanne Waldron
Cc: Kate Kelly; Peggy O'Dell; Bruce Sheaffer; Lena McDowall; Mike Litterst
Subject: Re: Pisgah/moore statement

Updates?

On Wed, Oct 9, 2013 at 12:50 PM, Suzanne Waldron <sue_waldron@nps.gov> wrote:
Barry is talking to jack

Sent from my iPhone

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

Young, Deirdre R

From: Androff, Blake <blake_androff@ios.doi.gov>
Sent: Wednesday, October 09, 2013 3:18 PM
To: Barry Roth
Cc: Suzanne Waldron; Cam Sholly; Maureen Foster; Nicole Buffa; Katherine Kelly
Subject: Re: COURT ORDER re Langley Forks Park
Attachments: Complaint.pdf; TRO Motion.pdf; Affidavit supporting TRO motion.pdf; Order.pdf

+others

On Wed, Oct 9, 2013 at 3:15 PM, Barry Roth <barry.roth@sol.doi.gov> wrote:
The court issued this without any filing by or opportunity of US to respond.

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

Sent from my iPhone

Begin forwarded message:

> **From:** "Myers, Randolph" <randolph.myers@sol.doi.gov>
> **To:** Kim Fondren <kim.fondren@sol.doi.gov>, Barry Roth <BARRY.ROTH@sol.doi.gov>, Edward Boling <ted.boling@sol.doi.gov>
> **Subject: Fwd: COURT ORDER re Langley Forks Park**
>
> Randolph J. Myers
> U.S. Department of the Interior, Office of the Solicitor
> DPW Branch of National Parks
> 1849 C Street, NW, Room 5320
> Washington, D.C. 20240
> w (202) 208-4338 fax (202) 208-3877
> Randolph.Myers@sol.doi.gov
>
> This e-mail (including attachments) 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 or agent 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.
>
> ---------- Forwarded message ----------
> From: Wetzler, Lauren (USAVAE) <Lauren.Wetzler@usdoj.gov>
> Date: Wed, Oct 9, 2013 at 3:06 PM

Subject: COURT ORDER re Langley Forks Park
To: "Alex_Romero@NPS.gov" <Alex_Romero@nps.gov>
Cc: "Randolph J. Myers (Randolph.Myers@sol.doi.gov)" <
Randolph.Myers@sol.doi.gov>

Alex,

Rosie Haney gave me your contact information. I just learned that, in response to a motion for a temporary injunction (TRO), one of our district judges has ORDERED the National Park Service to do as follows: 1) that Defendant shall immediately rescind the closure order of October 1, 2013, as to Langley Forks Park in Fairfax County, Virginia; 2) that Defendant shall order the Fairfax County Park Authority to open Langley Forks Park to the public immediately and return the Langley Forks Park to its normal hours of operation and Order the Fairfax County Park Authority to honor the permit it has entered into legally; 3) that no bond shall be required and the filing fee of the complaint be waived for good cause; 4) that a hearing for the preliminary injunction be scheduled for October 18, 2013, at 10:00 a.m.

I am attaching the complaint, the TRO motion, the supporting affidavit, and the order. I have copied NPS Solicitor's Office attorney Randy Myers and would recommend that you consult with his office if you have any questions about executing the court's order. Randy, I will call you to follow up.
Thanks,
Lauren

Lauren A. Wetzler
Civil Chief
Assistant United States Attorney
U.S. Attorney's Office, Eastern District of Virginia
2100 Jamieson Ave.
Alexandria, VA 22314
Tel: (703) 299-3752
Fax: (703) 299-3983
Lauren.wetzler@usdoj.gov

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

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

2013 OCT 9 P 1:25

MCLEAN YOUTH ATHLETICS and MCLEAN YOUTH LACROSSE	)	
Plaintiffs	)	
v.	)	CIVIL ACTION 1:13CV1257 LO/JFA
UNITED STATES DEPARTMENT OF INTERIOR NATIONAL PARK SERVICE	)	
Defendant	)	

COMPLAINT

This complaint seeks a temporary restraining order and preliminary and permanent injunction Ordering the United States Department of Interior National Park Service to re-open Langley Forks Park immediately.

JURISDICTION

This court has jurisdiction over this dispute under Title 28 U.S.C., §§ 1346 and 1391, as the Langley Forks Park sits on federal park land controlled by the United States Department of Interior National Park Service in the Eastern District of Virginia. Further, the United States Department of Interior National Park Service has given Fairfax County Park Authority (FCPA) the authority to manage and maintain the Langley Forks Park.

The McLean Youth Athletics, on behalf of McLean Youth Lacrosse, has contracted with the Fairfax County Park Authority to use the Langley Forks fields on Wednesdays and Fridays in the fall 2013. McLean Youth Lacrosse received a permit for the fall of 2013 in return for a fee of $5,000 paid to the Fairfax County Park Authority. The United States Department of Interior

National Park Service provides no substantive services and incurs no expense, and is not a signatory on this contract.

Upon information and belief, the United States Department of Interior National Park Service ordered the Superintendent of the George Washington Parkway, United States Park Service to instruct the Fairfax County Park Authority to close the Langley Forks Park when the government shutdown occurred on October 1, 2013.

Fairfax County Park Authority has complied with this order to the detriment of hundreds of youth lacrosse players, who are unable to find alternative locations to practice and play games.

As a result, McLean Youth Lacrosse has suffered the loss of several practice and game days and will continue to suffer the loss of its use of Langley Forks Park in the future, unless this court issues Preliminary Injunctive relief.

The United States Department of Interior National Park Service has acted arbitrarily and capriciously in ordering this park closed when it has no real interest therein and bears no expense in its operation.

Upon information and belief the Fairfax County Park Authority and the Fairfax County Board of Supervisors have attempted to have Langley Forks Park re-opened, but the United States Department of Interior National Park Service has unjustifiably refused to do so.

Therefore, to prevent further irreparable harm to the McLean Youth Lacrosse and its players, the plaintiffs requests that this court order the park re-opened immediately, as well as any other relief the court deems appropriate.

The plaintiffs ask for this relief pursuant to Fed. R. Civ. Proc. 65 and ask that the hearing be held immediately and without service on defendants to prevent further irreparable injury, pursuant to the affidavit filed with this complaint.

MCLEAN YOUTH ATHLETICS
MCLEAN YOUTH LACROSSE

Alan Yamamoto, Esquire
Virginia Bar Number 25872
Counsel for Plaintiffs
643 South Washington Street
Alexandria, Virginia 22314
703-684-4700
yamamoto.law@verizon.net.

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

2013 OCT -9 P 1:25

MCLEAN YOUTH ATHLETICS and MCLEAN YOUTH LACROSSE

Plaintiffs

v.

UNITED STATES DEPARTMENT OF INTERIOR NATIONAL PARK SERVICE

Defendant

CIVIL ACTION 1:13cv1257 LOG/JFA

MOTION FOR TEMPORARY RESTRAINING ORDER

COME NOW the Plaintiffs, McLean Youth Athletics and McLean Youth Lacrosse, by counsel, and move this Court for an immediate hearing in support of its Motion for a Temporary Restraining Order to require the United States Department of Interior National Park Service to re-open Langley Forks Park immediately.

A temporary restraining order is necessary because the Plaintiffs are suffering and will continue to suffer immediate and irreparable harm until the Langley Forks Park is re-opened. This afternoon many youth teams and coaches are scheduled to use the fields. Plaintiffs have paid a significant permit fee to the Fairfax County Park Authority to use these fields.

Plaintiffs have demonstrated they are entitled to a temporary restraining order under Fed. R. Civ. Proc. 65 and controlling law under *Baines v. City of Danville, Va.*, 337 F.2d 579, 598 (4th Cir. 1964) and *Hoechst Diafoil Co. v. Nan Ya Plastics Corp.*, 174 F.3d 411, 422 (4th Cir. 1999)

A hearing is necessary without service upon defendant in order to obtain relief in time to open Langley Forks Park fields today. Defendant will suffer no injury if the temporary restraining order is granted as it does not manage or administer the park and will incur no expense as a result. Defendant has been contacted about resolving this dispute but has not responded.

Given the nature of this action, Plaintiffs request that the posting of a bond not be required.

Plaintiffs request that filing fees be waived, given the purpose of business of the Plaintiffs.

MCLEAN YOUTH ATHLETICS
MCLEAN YOUTH LACROSSE

Alan Yamamoto, Esquire
Virginia Bar 25872
Counsel for Plaintiffs
643 South Washington Street
Alexandria, Virginia 22314
703-684-4700
yamamoto.law@verizon.net

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

MCLEAN YOUTH ATHLETICS and)
MCLEAN YOUTH LACROSSE)
)
Plaintiffs)
)
v.) CIVIL ACTION 1:13CV1257 LO/JFA
)
UNITED STATES DEPARTMENT)
OF INTERIOR NATIONAL PARK)
SERVICE)
)
Defendant)

DECLARATION

I, David Morris, declare as follows in support of McLean Youth Athletics and McLean Youth Lacrosse:

1. I am a member of the Board of Directors of Plaintiffs.

2. Plaintiffs operate a youth lacrosse league in McLean and Fairfax County that services hundreds of youth lacrosse players and scores of teams. It is a wonderful team sport that brings tremendous benefits to the physical and mental well-being of these youth players. Plaintiffs are supported by many volunteers who take their valuable time to administer and coach these youth players. Parents of these youth players pay significant fees each season to support Plaintiffs.

3. Without playing fields, Plaintiffs cannot operate. To support the league Plaintiffs obtained a permit from Fairfax County Park Authority to use the fields at Langley Forks Park in Fairfax County daily for the fall of 2013 in return for a payment of $5,000.

4. Langley Forks Park sits on federal property and is controlled by the United States Department of Interior National Park Service. The United States government has turned over the management and administration of Langley Forks Park to Fairfax County Park Authority.

5. On October 1, 2013 the United States Department of Interior National Park Service ordered the Fairfax County Park Authority to close Langley Forks Park when the government closed.

6. This closure has caused immediate and irreparable injury to Plaintiffs and to its youth players. Plaintiffs have sought alternative fields to practice and play on, and have been unsuccessful, as the youth lacrosse league competes for fields with many other youth sports in Fairfax County. Plaintiffs were unable to use the fields daily since October 1, 2013.

7. A temporary restraining order to re-open Langley Forks Park is the only remedy that will stop this continuing injury.

I declare under penalty of perjury that this declaration is true to the best of my belief.

David Morris

Date: October 8, 2013

FILED
OCT - 9 2013
CLERK, U.S. DISTRICT COURT
ALEXANDRIA, VIRGINIA

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

MCLEAN YOUTH ATHLETICS and MCLEAN YOUTH LACROSSE

Plaintiffs

v.

UNITED STATES DEPARTMENT OF INTERIOR NATIONAL PARK SERVICE

Defendant

CIVIL ACTION 1:13CV1257 LO/JFA

ORDER

Upon motion of the Plaintiffs McLean Youth Athletics and McLean Youth Lacrosse, and for good cause shown, the court finds as follows:

That Plaintiffs have demonstrated by affidavit the immediate and irreparable harm it would suffer if a temporary restraining order is not issued immediately.

That Plaintiffs have demonstrated that official notice cannot be accomplished prior to the hearing on this Motion; although the government has been notified of Plaintiffs' intent to file this motion absent resolution of this dispute.

That notice through service of this order will be filed with the Clerk of the Court upon its entry.

That the posting of a bond is not necessary given the nature of the activities of the Plaintiffs and the nature of his action.

Therefore it is ORDERED:

1. That Defendant shall immediately rescind the closure order of October 1, 2013 as

to Langley Forks Park in Fairfax County, Virginia.

2. That Defendant shall order the Fairfax County Park Authority to open Langley Forks Park to the public immediately and return the Langley Forks Park to its normal hours of operation and Order the Fairfax County Park Authority to honor the permit it has entered into legally.

3. That no bond shall be required and the filing fee of the complaint be waived for good cause.

4. That a hearing for the preliminary injunction be scheduled for October 18, 2013 at 10:00 a.m.

Entered: October 9, 2013 at 1:40 pm

/s/
Liam O'Grady
United States District Judge

Young, Deirdre R

From: Barry Roth <barry.roth@sol.doi.gov>
Sent: Wednesday, October 09, 2013 3:15 PM
To: Blake Androff; Suzanne Waldron
Cc: Cam Sholly; Maureen Foster
Subject: Fwd: COURT ORDER re Langley Forks Park
Attachments: Complaint.pdf; TRO Motion.pdf; Affidavit supporting TRO motion.pdf; Order.pdf

The court issued this without any filing by or opportunity of US to respond.

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

Sent from my iPhone

Begin forwarded message:

> **From:** "Myers, Randolph" <randolph.myers@sol.doi.gov>
> **To:** Kim Fondren <kim.fondren@sol.doi.gov>, Barry Roth <BARRY.ROTH@sol.doi.gov>, Edward Boling <ted.boling@sol.doi.gov>
> **Subject: Fwd: COURT ORDER re Langley Forks Park**
>
> Randolph J. Myers
> U.S. Department of the Interior, Office of the Solicitor
> DPW Branch of National Parks
> 1849 C Street, NW, Room 5320
> Washington, D.C. 20240
> w (202) 208-4338 fax (202) 208-3877
> Randolph.Myers@sol.doi.gov
>
> This e-mail (including attachments) 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 or agent 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.
>
> ---------- Forwarded message ----------
> From: Wetzler, Lauren (USAVAE) <Lauren.Wetzler@usdoj.gov>
> Date: Wed, Oct 9, 2013 at 3:06 PM
> Subject: COURT ORDER re Langley Forks Park
> To: "Alex_Romero@NPS.gov" <Alex_Romero@nps.gov>
> Cc: "Randolph J. Myers (Randolph.Myers@sol.doi.gov)" <Randolph.Myers@sol.doi.gov>

Alex,

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I am attaching the complaint, the TRO motion, the supporting affidavit, and the order. I have copied NPS Solicitor's Office attorney Randy Myers and would recommend that you consult with his office if you have any questions about executing the court's order. Randy, I will call you to follow up.
Thanks,
Lauren

Lauren A. Wetzler
Civil Chief
Assistant United States Attorney
U.S. Attorney's Office, Eastern District of Virginia
2100 Jamieson Ave.
Alexandria, VA 22314
Tel: (703) 299-3752
Fax: (703) 299-3983
Lauren.wetzler@usdoj.gov

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

2013 OCT 9 P 1:25

MCLEAN YOUTH ATHLETICS and MCLEAN YOUTH LACROSSE	)	
Plaintiffs	)	
v.	)	CIVIL ACTION 1:13CV1257 LO/JFA
UNITED STATES DEPARTMENT OF INTERIOR NATIONAL PARK SERVICE	)	
Defendant	)	

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MCLEAN YOUTH ATHLETICS
MCLEAN YOUTH LACROSSE

Alan Yamamoto, Esquire
Virginia Bar Number 25872
Counsel for Plaintiffs
643 South Washington Street
Alexandria, Virginia 22314
703-684-4700
yamamoto.law@verizon.net.

FILED

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MCLEAN YOUTH ATHLETICS and MCLEAN YOUTH LACROSSE

Plaintiffs

v.

UNITED STATES DEPARTMENT OF INTERIOR NATIONAL PARK SERVICE

Defendant

CIVIL ACTION 1:13cv1257 LOG/JFA

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Plaintiffs have demonstrated they are entitled to a temporary restraining order under Fed. R. Civ. Proc. 65 and controlling law under *Baines v. City of Danville, Va.*, 337 F.2d 579, 598 (4th Cir. 1964) and *Hoechst Diafoil Co. v. Nan Ya Plastics Corp.*, 174 F.3d 411, 422 (4th Cir. 1999)

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Given the nature of this action, Plaintiffs request that the posting of a bond not be required.

Plaintiffs request that filing fees be waived, given the purpose of business of the Plaintiffs.

MCLEAN YOUTH ATHLETICS
MCLEAN YOUTH LACROSSE

Alan Yamamoto, Esquire
Virginia Bar 25872
Counsel for Plaintiffs
643 South Washington Street
Alexandria, Virginia 22314
703-684-4700
yamamoto.law@verizon.net

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

MCLEAN YOUTH ATHLETICS and)
MCLEAN YOUTH LACROSSE)
)
Plaintiffs)
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v.) CIVIL ACTION 1:13CV1257 LO/JFA
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UNITED STATES DEPARTMENT)
OF INTERIOR NATIONAL PARK)
SERVICE)
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Defendant)

DECLARATION

I, David Morris, declare as follows in support of McLean Youth Athletics and McLean Youth Lacrosse:

1. I am a member of the Board of Directors of Plaintiffs.

2. Plaintiffs operate a youth lacrosse league in McLean and Fairfax County that services hundreds of youth lacrosse players and scores of teams. It is a wonderful team sport that brings tremendous benefits to the physical and mental well-being of these youth players. Plaintiffs are supported by many volunteers who take their valuable time to administer and coach these youth players. Parents of these youth players pay significant fees each season to support Plaintiffs.

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5. On October 1, 2013 the United States Department of Interior National Park Service ordered the Fairfax County Park Authority to close Langley Forks Park when the government closed.

6. This closure has caused immediate and irreparable injury to Plaintiffs and to its youth players. Plaintiffs have sought alternative fields to practice and play on, and have been unsuccessful, as the youth lacrosse league competes for fields with many other youth sports in Fairfax County. Plaintiffs were unable to use the fields daily since October 1, 2013.

7. A temporary restraining order to re-open Langley Forks Park is the only remedy that will stop this continuing injury.

I declare under penalty of perjury that this declaration is true to the best of my belief.

David Morris

Date: October 8, 2013

FILED
OCT - 9 2013
CLERK, U.S. DISTRICT COURT
ALEXANDRIA, VIRGINIA

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FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

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Plaintiffs

v.

UNITED STATES DEPARTMENT OF INTERIOR NATIONAL PARK SERVICE

Defendant

CIVIL ACTION 1:13CV1257 LO/JFA

ORDER

Upon motion of the Plaintiffs McLean Youth Athletics and McLean Youth Lacrosse, and for good cause shown, the court finds as follows:

That Plaintiffs have demonstrated by affidavit the immediate and irreparable harm it would suffer if a temporary restraining order is not issued immediately.

That Plaintiffs have demonstrated that official notice cannot be accomplished prior to the hearing on this Motion; although the government has been notified of Plaintiffs' intent to file this motion absent resolution of this dispute.

That notice through service of this order will be filed with the Clerk of the Court upon its entry.

That the posting of a bond is not necessary given the nature of the activities of the Plaintiffs and the nature of his action.

Therefore it is ORDERED:

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to Langley Forks Park in Fairfax County, Virginia.

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Entered: October 9, 2013 at 1:40 pm

/s/
Liam O'Grady
United States District Judge

Young, Deirdre R

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Wednesday, October 09, 2013 1:11 PM
To: Mummart, Jennifer
Cc: Lisa Mendelson; Michael Litterst
Subject: Re: Attempt at final language

more changes coming....

On Wed, Oct 9, 2013 at 10:11 AM, Mummart, Jennifer <jennifer_mummart@nps.gov> wrote:
This version adds Bruce and Lena's comments, makes a small translation from Legal to English (highlighted) in the first paragraph, and keeps the sentence about going without NPS support during the shutdown. If that needs to be deleted (because it's kind of covered with the addition of Bruce/Lena's comments), then fine. ***If we delete that sentence, then I think the sentence about USPP should be the last sentence in the statement.*** Please see what you think - JMum

---

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

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

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Young, Deirdre R

From: Suzanne Waldron <sue_waldron@nps.gov>
Sent: Wednesday, October 09, 2013 12:51 PM
To: Blake Androff; Kate Kelly
Cc: Peggy O'Dell; Bruce Sheaffer; Lena McDowall; Mike Litterst
Subject: Pisgah/moore statement

Barry is talking to jack

Sent from my iPhone

Young, Deirdre R

From: Suzanne Waldron <sue_waldron@nps.gov>
Sent: Wednesday, October 09, 2013 12:50 PM
To: Reynolds, William
Cc: Benge, Shawn; Mike Litterst; Edward Boling; Cam Sholly; Margaret O'Dell; Barry Roth; Sherri Fields
Subject: Re: BLRI--Mt. Pisgah Inn

Will let sol weigh in on legal side

Statement in final review

Sent from my iPhone

On Oct 9, 2013, at 12:21 PM, "Reynolds, William" <william_f_reynolds@nps.gov> wrote:

> status on the guidance?
> Pisgah has posted on FB that they are opening at 5 today.
> BLRI is getting queries from the media and from other concessioners.
> Bill
>
> On Tue, Oct 8, 2013 at 7:19 PM, Waldron, Suzanne <sue_waldron@nps.gov> wrote:
> they are being worked over by the lawyers now
>
> On Tue, Oct 8, 2013 at 7:06 PM, Benge, Shawn <shawn_benge@nps.gov> wrote:
>
> Rangers are currently being directed to leave the area. Please be mindful the media will be calling or showing up at the park in the morning. We are going to need talking points. I would assume WASO will want the lead in developing the message?
>
> If you have any thoughts, please let me know.

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

--
Sue Waldron
Assistant Director, Communications
National Park Service

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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 09, 2013 12:21 PM
To: Waldron, Suzanne
Cc: Benge, Shawn; Mike Litterst; Edward Boling; Cam Sholly; Margaret O'Dell; Barry Roth; Sherri Fields
Subject: Re: BLRI--Mt. Pisgah Inn

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If you have any thoughts, please let me know.

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Shawn Benge
Deputy Regional Director
Southeast Region
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Office: 404 507 5605
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--
William F. Reynolds
Assistant Regional Director
National Park Service Southeast Region
404-507-5612

Young, Deirdre R

From: Mummart, Jennifer <jennifer_mummart@nps.gov>
Sent: Wednesday, October 09, 2013 10:11 AM
To: Lisa Mendelson; Suzanne Waldron
Cc: Michael Litterst
Subject: Attempt at final language

This version adds Bruce and Lena's comments, makes a small translation from Legal to English (highlighted) in the first paragraph, and keeps the sentence about going without NPS support during the shutdown. If that needs to be deleted (because it's kind of covered with the addition of Bruce/Lena's comments), then fine. ***If we delete that sentence, then I think the sentence about USPP should be the last sentence in the statement.*** Please see what you think - JMum

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National Park Service - National Capital Region
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EXPERIENCE YOUR AMERICA [M]

Young, Deirdre R

From: Mummart, Jennifer <jennifer_mummart@nps.gov>
Sent: Wednesday, October 09, 2013 9:50 AM
To: Waldron, Suzanne
Cc: Lisa Mendelson; Mike Litterst; Alex Romero
Subject: Re: quick review - claude moore and pisgah

I don't really need to know. Just providing comments.

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

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EXPERIENCE YOUR AMERICA

On Wed, Oct 9, 2013 at 9:42 AM, Waldron, Suzanne <sue_waldron@nps.gov> wrote:
call to discuss

On Wed, Oct 9, 2013 at 9:39 AM, Mummart, Jennifer <jennifer_mummart@nps.gov> wrote:
Can we make the intro to the bullets less legalese and say - "The approval to operate will be revisited if:"
And, what are the conditions under which they have been allowed to reopen? Are those conditions included in this statement? If not, it begs the question.

I agree with Mike about all the unintelligible legal stuff in the first paragraph.

(b) (5)

Jennifer Mummart
Director of Communications
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(202) 619-7174
www.nps.gov

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EXPERIENCE YOUR AMERICA

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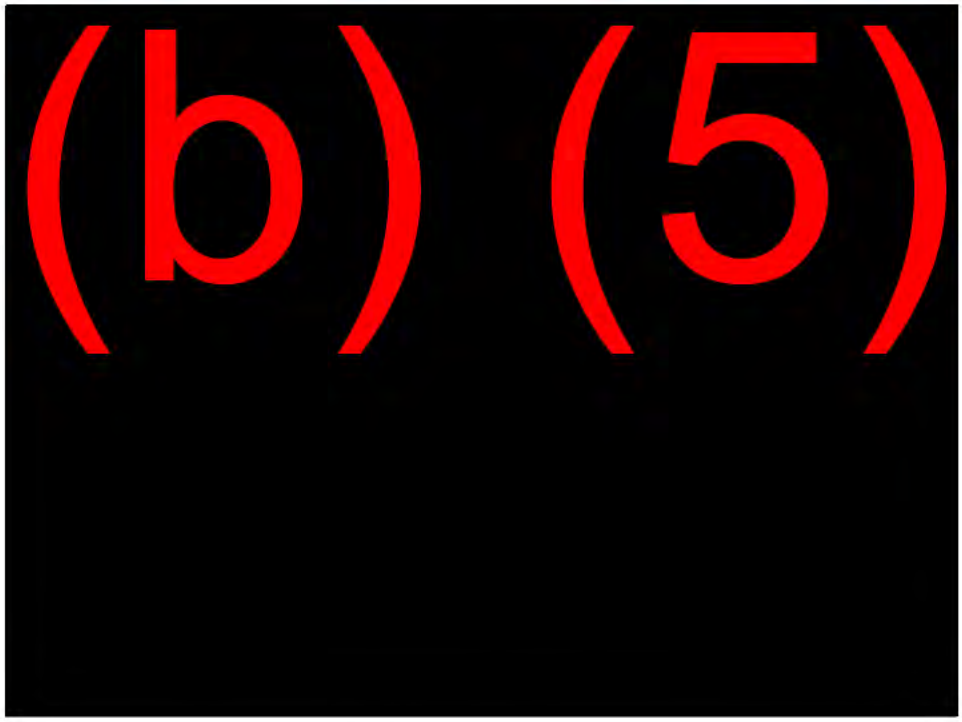

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From: Lisa Mendelson <lisa_mendelson-ielmini@nps.gov>
Sent: Wednesday, October 09, 2013 9:47 AM
To: Waldron, Suzanne; Jennifer Mummart; Alex Romero; Michael Litterst
Subject: Re: quick review - claude moore and pisgah

Yes - no worries - the word IF Approved was used, we're not anxious to get out ahead of anyone.

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

On Oct 9, 2013, at 9:43 AM, "Waldron, Suzanne" <sue_waldron@nps.gov> wrote:

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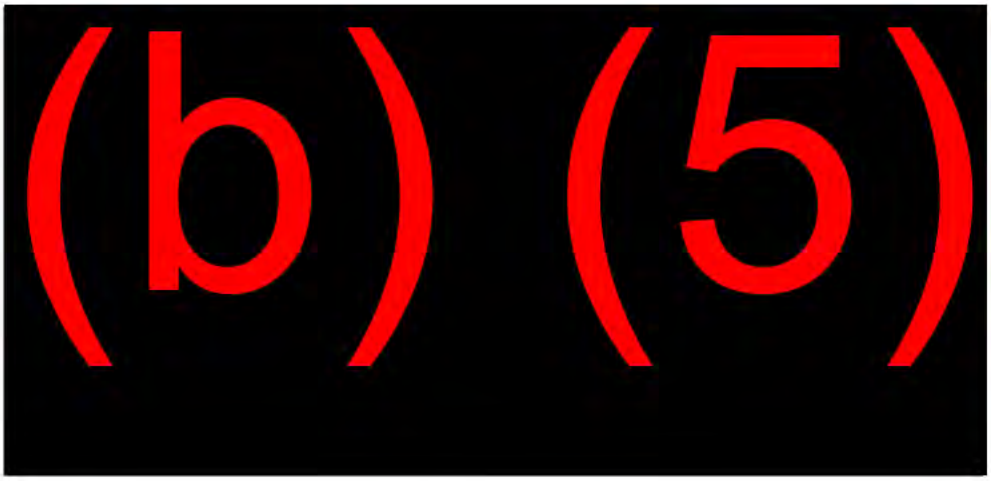

On background:

The operator must comply with their existing contractual agreements, and without any significant NPS management or assistance until the shutdown is over.

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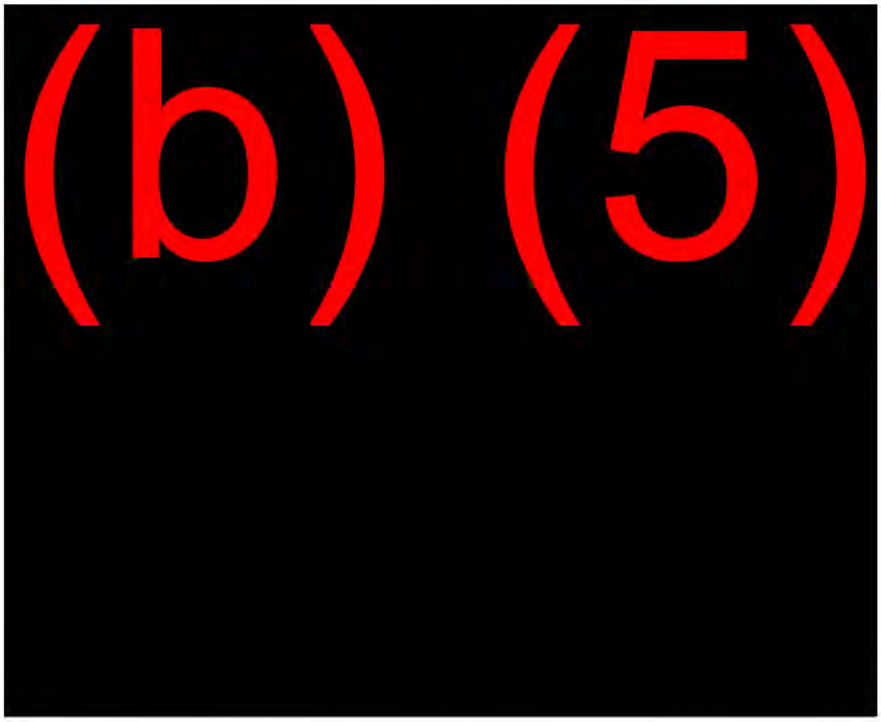
> > 
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call to discuss

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Can we make the intro to the bullets less legalese and say - "The approval to operate will be revisited if:"
And, what are the conditions under which they have been allowed to reopen? Are those conditions included in this statement? If not, it begs the question.

I agree with Mike about all the unintelligible legal stuff in the first paragraph.

(b) (5)

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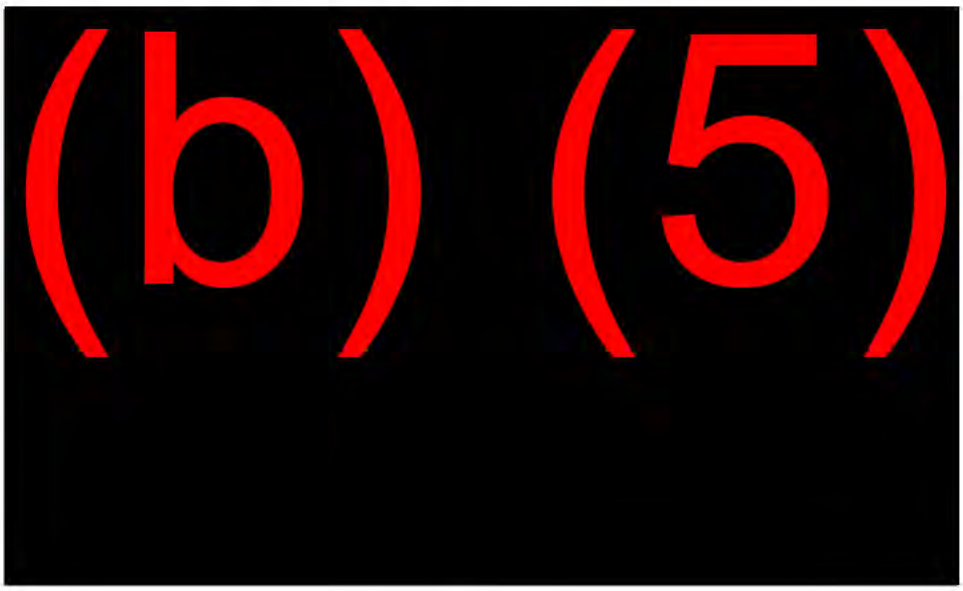
> > 
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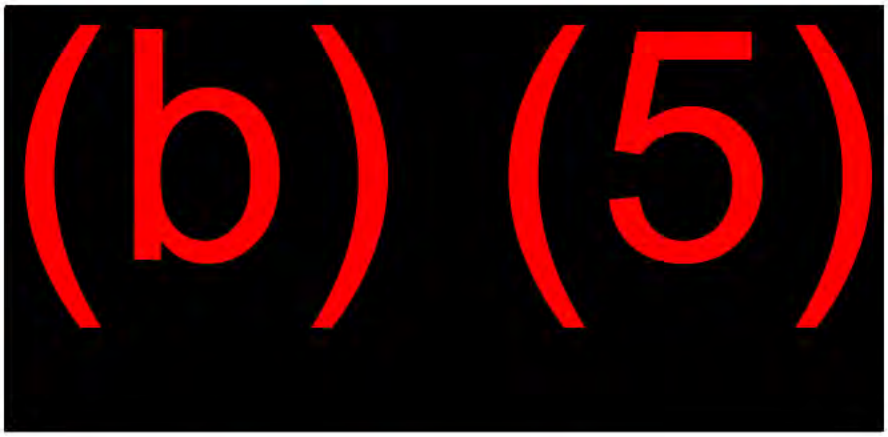
> > 
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Young, Deirdre R

From: Mummart, Jennifer <jennifer_mummart@nps.gov>
Sent: Wednesday, October 09, 2013 9:39 AM
To: Waldron, Suzanne
Cc: Lisa Mendelson; Mike Litterst; Alex Romero
Subject: Re: quick review - claude moore and pisgah

Can we make the intro to the bullets less legalese and say - "The approval to operate will be revisited if:" And, what are the conditions under which they have been allowed to reopen? Are those conditions included in this statement? If not, it begs the question.

I agree with Mike about all the unintelligible legal stuff in the first paragraph.

(b) (5)

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

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On Wed, Oct 9, 2013 at 9:33 AM, Waldron, Suzanne <sue_waldron@nps.gov> wrote:
amending it to reflect comments form lena/bruce that I just sent around, so would read: if this works for you guys will send to teh whole group

(b) (5)

(b) (5)

On Wed, Oct 9, 2013 at 9:27 AM, Mummart, Jennifer <jennifer_mummart@nps.gov> wrote:
Here is our proposal:

(b) (5)

Jennifer Mummart
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On Wed, Oct 9, 2013 at 8:23 AM, Waldron, Suzanne <sue_waldron@nps.gov> wrote:
lisa/jennifer what else do you want to add to this for claude moore?

---------- Forwarded message ----------
From: **Margaret O'Dell** <peggy_o'dell@nps.gov>
Date: Tue, Oct 8, 2013 at 9:19 PM
Subject: Re: quick review - claude moore and pisgah
To: Edward Boling <ted.boling@sol.doi.gov>
Cc: "Kelly, Katherine" <kate_kelly@ios.doi.gov>, "Waldron, Suzanne" <sue_waldron@nps.gov>, Jon Jarvis

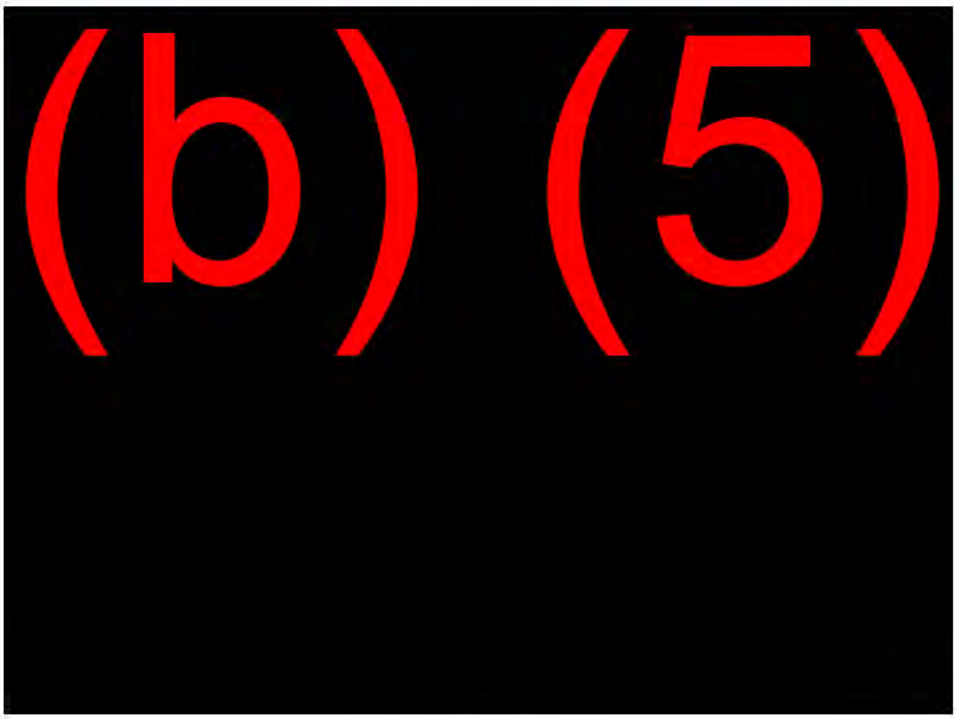
<Jon_Jarvis@nps.gov>, Maureen Foster <Maureen_Foster@nps.gov>, Lena McDowall <Lena_McDowall@nps.gov>, Cam Sholly <Cam_Sholly@nps.gov>, Barry Roth <barry.roth@sol.doi.gov>, Lisa Mendelson <lisa_mendelson-ielmini@nps.gov>, Jennifer Mummart <jennifer_Mummart@nps.gov>, Bruce Sheaffer <Bruce_Sheaffer@nps.gov>, Mike Litterst <Mike_Litterst@nps.gov>, Blake Androff <Blake_Androff@ios.doi.gov>

So more conversation in morning. Thank you all for sticking with is during a trying and very busy day.

Sent from my iPhone

On Oct 8, 2013, at 9:12 PM, Edward Boling <ted.boling@sol.doi.gov> wrote:

> This is designed to cover Pisgah if & when we reach a resolution there. Until we have resolution, we should say as little as possible and refer all questions about pending litigation to DoJ.
>
> Sent from my iPhone
>
> On Oct 8, 2013, at 8:50 PM, Margaret O'Dell <peggy_o'dell@nps.gov> wrote:
>
> > For the lawyers. Is NPS taking the communications lead for Pisgah. Normally with litigation Justice wants us to let them do it. This may be different based on where we are with respect to litigation.
> >
> > Sent from my iPhone
> >
> > On Oct 8, 2013, at 7:42 PM, "Kelly, Katherine" <kate_kelly@ios.doi.gov> wrote:
> >
> > > Here is the updated SOL-approved version:



On Tuesday, October 8, 2013, Waldron, Suzanne wrote:
ignore this - another version under review by sol which is revising - so guess we will reconnect tomorrow

leaving!

On Tue, Oct 8, 2013 at 6:59 PM, Waldron, Suzanne <sue_waldron@nps.gov> wrote:
if we get calls....

--
Sue Waldron
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kate_kelly@ios.doi.gov

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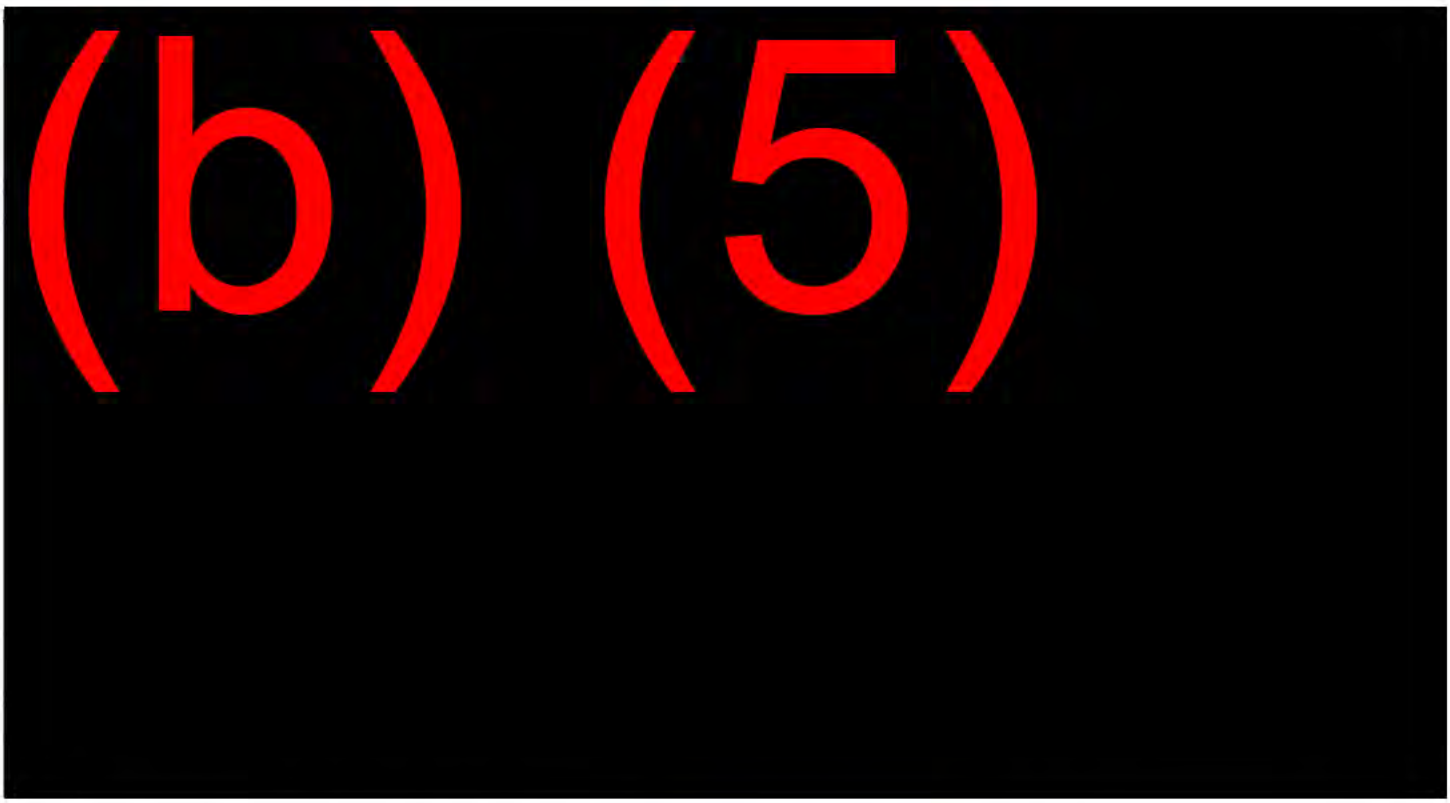
Young, Deirdre R

From: Sheaffer, Bruce <bruce_sheaffer@nps.gov>
Sent: Wednesday, October 09, 2013 9:38 AM
To: Waldron, Suzanne
Subject: Re: quick review - claude moore and pisgah

this is good

On Wed, Oct 9, 2013 at 9:28 AM, Waldron, Suzanne <sue_waldron@nps.gov> wrote:
Edits from Lena and Bruce



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

Young, Deirdre R

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Wednesday, October 09, 2013 9:38 AM
To: Kelly, Katherine
Cc: Androff, Blake J
Subject: Re: quick review - claude moore and pisgah

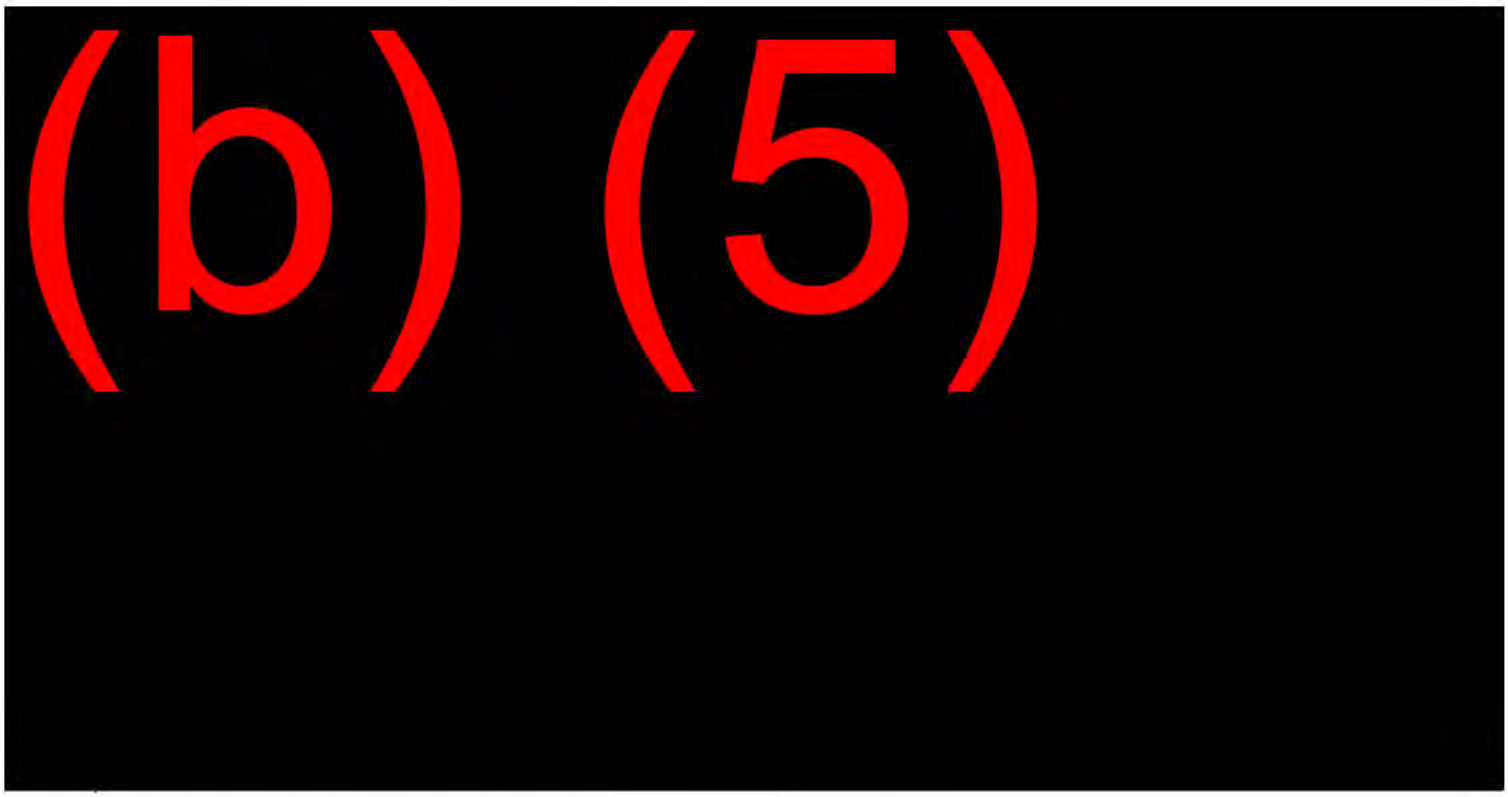
ok we have a 10:15 with all waso folks

On Wed, Oct 9, 2013 at 9:36 AM, Kelly, Katherine <kate_kelly@ios.doi.gov> wrote:
On a call. Seems like we shd discuss after the 930 mtg concludes.

On Wednesday, October 9, 2013, Waldron, Suzanne wrote:
now? free til the 9:45

On Wed, Oct 9, 2013 at 9:31 AM, Kelly, Katherine <kate_kelly@ios.doi.gov> wrote:
Let's discuss.

On Wednesday, October 9, 2013, Waldron, Suzanne wrote:
Edits from Lena and Bruce



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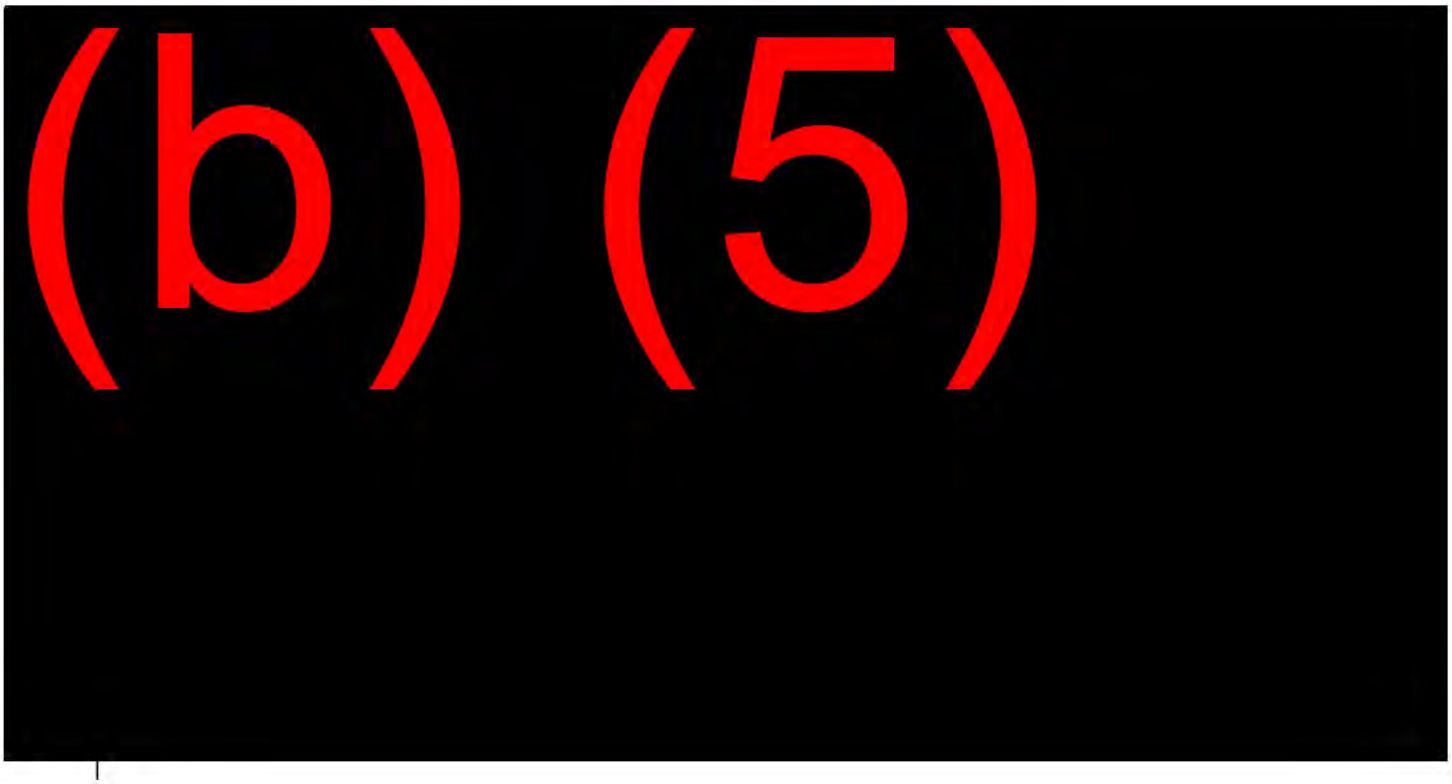

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To: Kelly, Katherine
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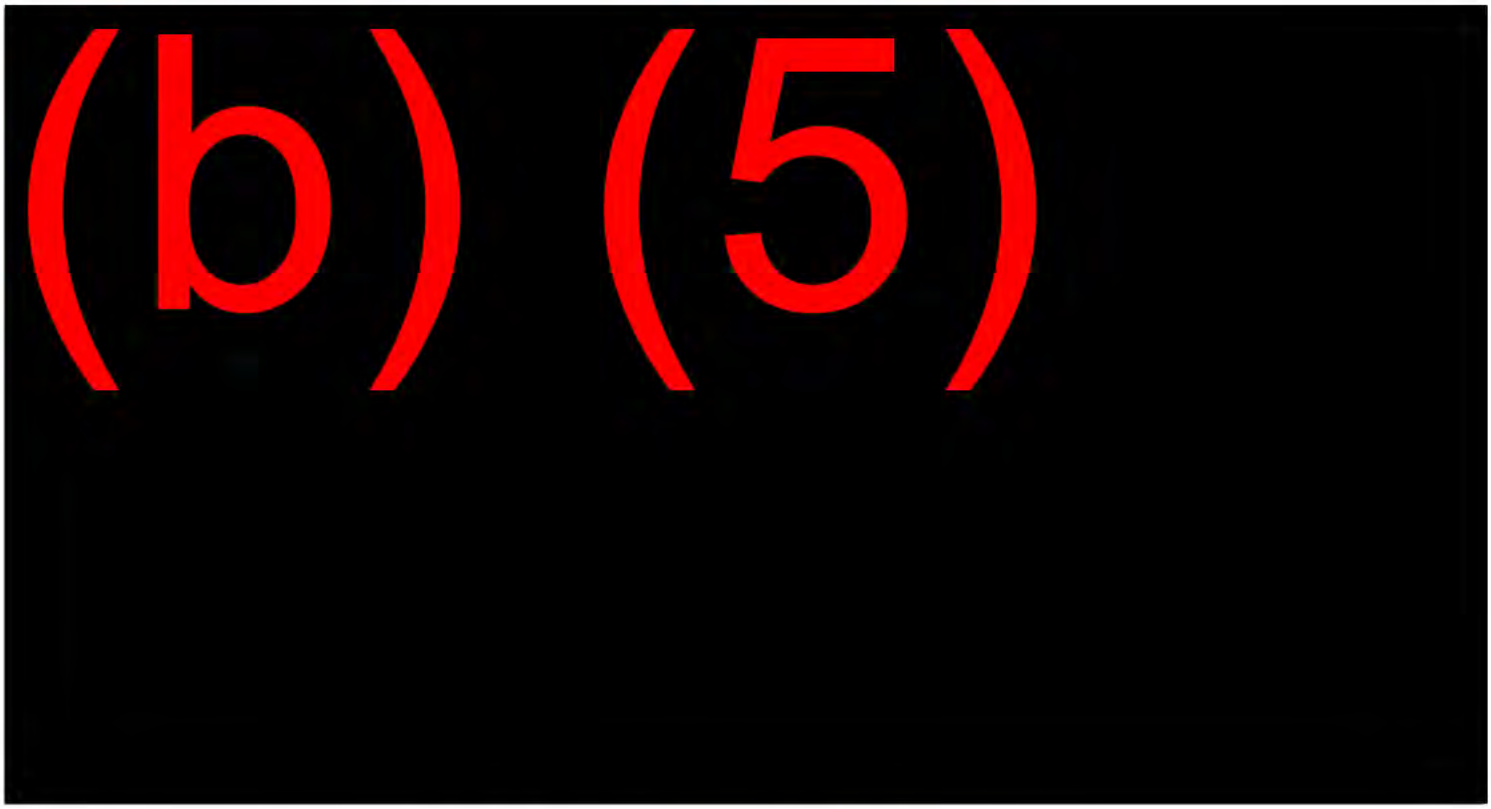

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Young, Deirdre R

From: Sheaffer, Bruce <bruce_sheaffer@nps.gov>
Sent: Wednesday, October 09, 2013 9:15 AM
To: Jarvis, Jonathan
Cc: Roth, Barry; Ted Boling; Waldron, Suzanne; Foster, Maureen; McDowall, Lena; O'Dell, Peggy
Subject: Re: updated - for review

sitting in here with lena - a few things

On Wed, Oct 9, 2013 at 8:35 AM, Jarvis, Jonathan <jon_jarvis@nps.gov> wrote:
Here is my shot at a framework to approach the case by case decisions. Close hold, draft. I am talking to the Secretary about this at 9:30, so comments please.

On Tue, Oct 8, 2013 at 7:26 PM, Roth, Barry <barry.roth@sol.doi.gov> wrote:
Here is what Jack and Ted gave back to Kate.

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: **Boling, Edward** <ted.boling@sol.doi.gov>
Date: Tue, Oct 8, 2013 at 7:23 PM
Subject: Fwd: updated - for review

To: Katherine Kelly <kate_kelly@ios.doi.gov>
Cc: Jack Haugrud <jack.haugrud@sol.doi.gov>, Barry Roth <BARRY.ROTH@sol.doi.gov>

CLAUDE MOORE / [PISGAH]

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

---------- Forwarded message ----------
From: **Boling, Edward** <ted.boling@sol.doi.gov>
Date: Tue, Oct 8, 2013 at 7:14 PM
Subject: Fwd: updated - for review
To: Jack Haugrud <jack.haugrud@sol.doi.gov>

Ted Boling
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U.S Department of the Interior
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202-208-4423 (main)
202-208-3125 (direct)
202-208-5584 (fax)

Ted.Boling@sol.doi.gov

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From: **Kelly, Katherine** <kate_kelly@ios.doi.gov>
Date: Tue, Oct 8, 2013 at 7:00 PM
Subject: updated - for review
To: "Haugrud, Jack" <jack.haugrud@sol.doi.gov>, Ted Boling <Ted.Boling@sol.doi.gov>
Cc: "Androff, Blake J" <Blake_Androff@ios.doi.gov>, laura davis <Laura_Davis@ios.doi.gov>, Nicole Buffa <nicole_buffa@ios.doi.gov>

CLAUDE MOORE / [PISGAH]

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

--

Jonathan B. Jarvis
Director, NPS

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

Young, Deirdre R

From: Foster, Maureen <maureen_foster@nps.gov>
Sent: Wednesday, October 09, 2013 8:58 AM
To: Roth, Barry
Cc: Jarvis, Jonathan; Ted Boling; Waldron, Suzanne; McDowall, Lena; Sheaffer, C. B.; O'Dell, Peggy
Subject: Re: updated - for review

Barry -- Last addition is good as it gives us a mechanism for re-evaluating if the NPS starts to incur expenses.

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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On Wed, Oct 9, 2013 at 8:54 AM, Roth, Barry <barry.roth@sol.doi.gov> wrote:

Jon I recommend that any decision to reopen during the shutdown is contingent on the ability of that facility to operate without NPS incurring any expenditures in violation of the Anti-Deficiency Act during this shutdown period. If the individual facility, or the various facilities on a cumulative basis, cause such expenditures to be made, any such facility may have to again suspend operations.

Barry N. Roth
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Fax: 202-208-3877
Barry.Roth@sol.doi.gov

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CLAUDE MOORE / [PISGAH]

Ted Boling

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CLAUDE MOORE / [PISGAH]

(b) (5)

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kate_kelly@ios.doi.gov

--

Jonathan B. Jarvis
Director, NPS

Young, Deirdre R

From: Roth, Barry <barry.roth@sol.doi.gov>
Sent: Wednesday, October 09, 2013 8:55 AM
To: Jarvis, Jonathan
Cc: Ted Boling; Waldron, Suzanne; Foster, Maureen; McDowall, Lena; Sheaffer, C. B.; O'Dell, Peggy
Subject: Re: updated - for review

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CLAUDE MOORE / [PISGAH]

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kate_kelly@ios.doi.gov

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Jonathan B. Jarvis
Director, NPS

Young, Deirdre R

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Wednesday, October 09, 2013 8:51 AM
To: Jarvis, Jonathan
Cc: Roth, Barry; Ted Boling; Foster, Maureen; McDowall, Lena; Sheaffer, C. B.; O'Dell, Peggy
Subject: Re: updated - for review

looks good

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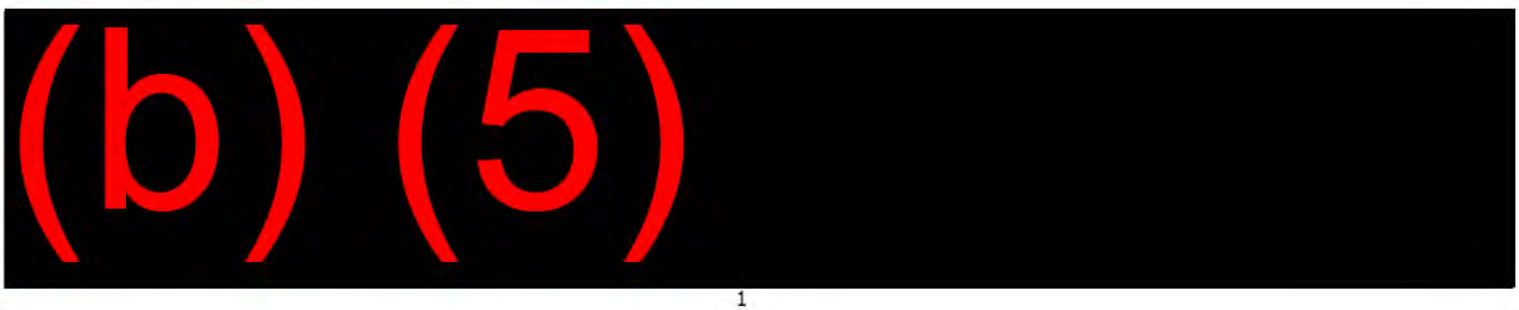
Date: Tue, Oct 8, 2013 at 7:23 PM
Subject: Fwd: updated - for review
To: Katherine Kelly <kate_kelly@ios.doi.gov>
Cc: Jack Haugrud <jack.haugrud@sol.doi.gov>, Barry Roth <BARRY.ROTH@sol.doi.gov>

CLAUDE MOORE / [PISGAH]



(b) (5)

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

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To: Jack Haugrud <jack.haugrud@sol.doi.gov>

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Ted.Boling@sol.doi.gov

---------- Forwarded message ----------
From: **Kelly, Katherine** <kate_kelly@ios.doi.gov>
Date: Tue, Oct 8, 2013 at 7:00 PM
Subject: updated - for review
To: "Haugrud, Jack" <jack.haugrud@sol.doi.gov>, Ted Boling <Ted.Boling@sol.doi.gov>
Cc: "Androff, Blake J" <Blake_Androff@ios.doi.gov>, laura davis <Laura_Davis@ios.doi.gov>, Nicole Buffa <nicole_buffa@ios.doi.gov>

CLAUDE MOORE / [PISGAH]

--

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

--

Jonathan B. Jarvis
Director, NPS

--

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

Young, Deirdre R

From: Mummart, Jennifer <jennifer_mummart@nps.gov>
Sent: Wednesday, October 09, 2013 8:50 AM
To: Waldron, Suzanne
Cc: Lisa Mendelson; Mike Litterst
Subject: Re: quick review - claude moore and pisgah

yep. absolutely.

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

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On Wed, Oct 9, 2013 at 8:40 AM, Waldron, Suzanne <sue_waldron@nps.gov> wrote:
sooner you can get it over the better

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

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Cc: "Kelly, Katherine" <kate_kelly@ios.doi.gov>, "Waldron, Suzanne" <sue_waldron@nps.gov>, Jon Jarvis <Jon_Jarvis@nps.gov>, Maureen Foster <Maureen_Foster@nps.gov>, Lena McDowall <Lena_McDowall@nps.gov>, Cam Sholly <Cam_Sholly@nps.gov>, Barry Roth <barry.roth@sol.doi.gov>, Lisa Mendelson <lisa_mendelson-ielmini@nps.gov>, Jennifer Mummart <jennifer_Mummart@nps.gov>, Bruce Sheaffer <Bruce_Sheaffer@nps.gov>, Mike Litterst <Mike_Litterst@nps.gov>, Blake Androff <Blake_Androff@ios.doi.gov>

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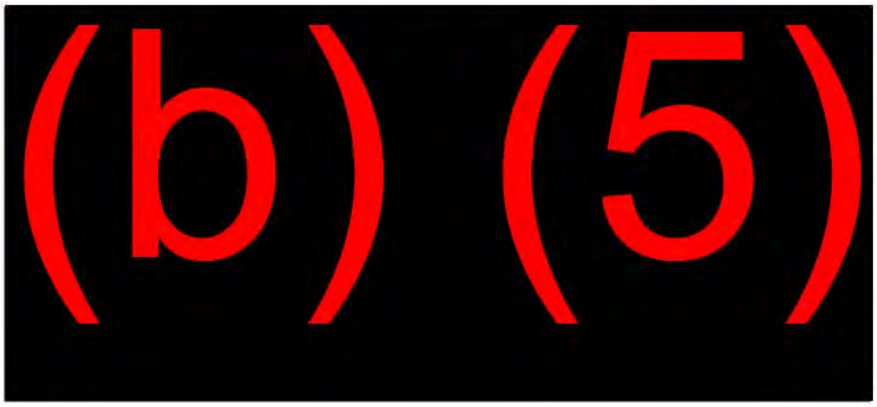

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Young, Deirdre R

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Wednesday, October 09, 2013 8:41 AM
To: Mummart, Jennifer
Cc: Lisa Mendelson; Mike Litterst
Subject: Re: quick review - claude moore and pisgah

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Cc: "Kelly, Katherine" <kate_kelly@ios.doi.gov>, "Waldron, Suzanne" <sue_waldron@nps.gov>, Jon Jarvis <Jon_Jarvis@nps.gov>, Maureen Foster <Maureen_Foster@nps.gov>, Lena McDowall <Lena_McDowall@nps.gov>, Cam Sholly <Cam_Sholly@nps.gov>, Barry Roth <barry.roth@sol.doi.gov>, Lisa Mendelson <lisa_mendelson-ielmini@nps.gov>, Jennifer Mummart <jennifer_Mummart@nps.gov>, Bruce Sheaffer <Bruce_Sheaffer@nps.gov>, Mike Litterst <Mike_Litterst@nps.gov>, Blake Androff <Blake_Androff@ios.doi.gov>

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Young, Deirdre R

From: Mummart, Jennifer <jennifer_mummart@nps.gov>
Sent: Wednesday, October 09, 2013 8:37 AM
To: Lisa Mendelson
Cc: Waldron, Suzanne; Mike Litterst
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Cc: "Kelly, Katherine" <kate_kelly@ios.doi.gov>, "Waldron, Suzanne" <sue_waldron@nps.gov>, Jon Jarvis <Jon_Jarvis@nps.gov>, Maureen Foster <Maureen_Foster@nps.gov>, Lena McDowall

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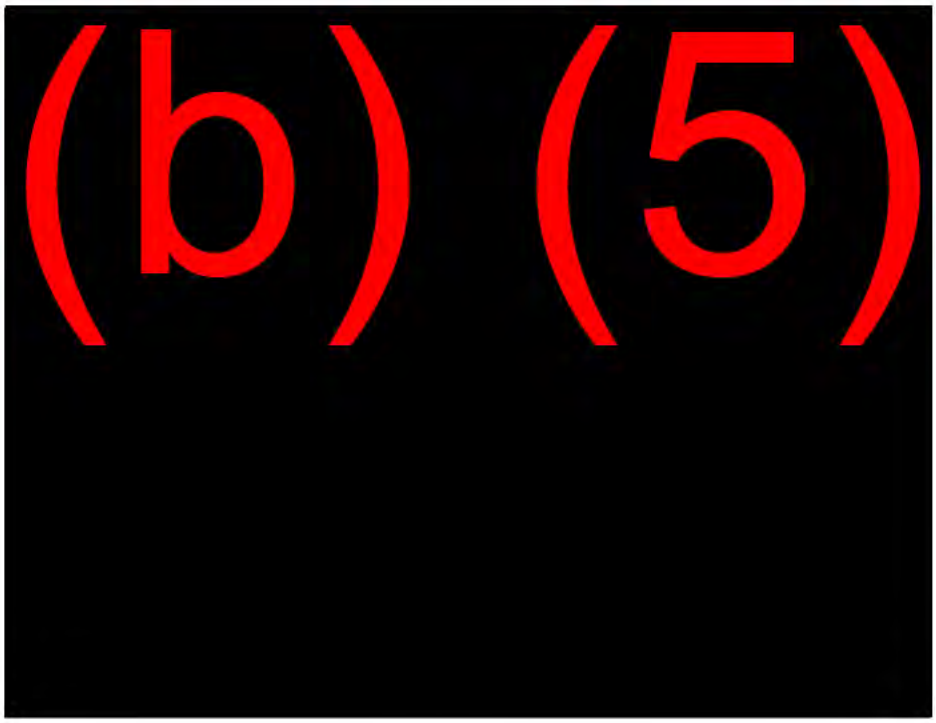
> > 
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Young, Deirdre R

From: Jarvis, Jonathan <jon_jarvis@nps.gov>
Sent: Wednesday, October 09, 2013 8:36 AM
To: Roth, Barry; Ted Boling
Cc: Waldron, Suzanne; Foster, Maureen; McDowall, Lena; Sheaffer, C. B.; O'Dell, Peggy
Subject: Re: updated - for review
Attachments: Interim Policy.docx

Here is my shot at a framework to approach the case by case decisions. Close hold, draft. I am talking to the Secretary about this at 9:30, so comments please.

On Tue, Oct 8, 2013 at 7:26 PM, Roth, Barry <barry.roth@sol.doi.gov> wrote:
Here is what Jack and Ted gave back to Kate.

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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CLAUDE MOORE / [PISGAH]

(b) (5)

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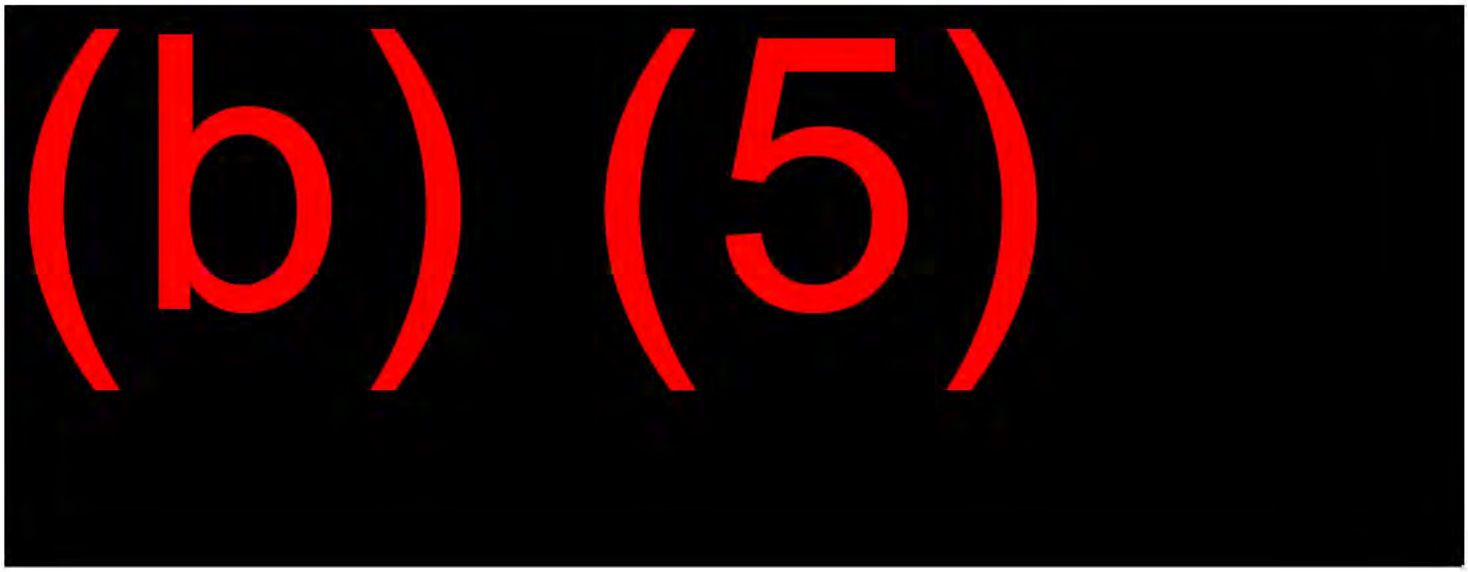

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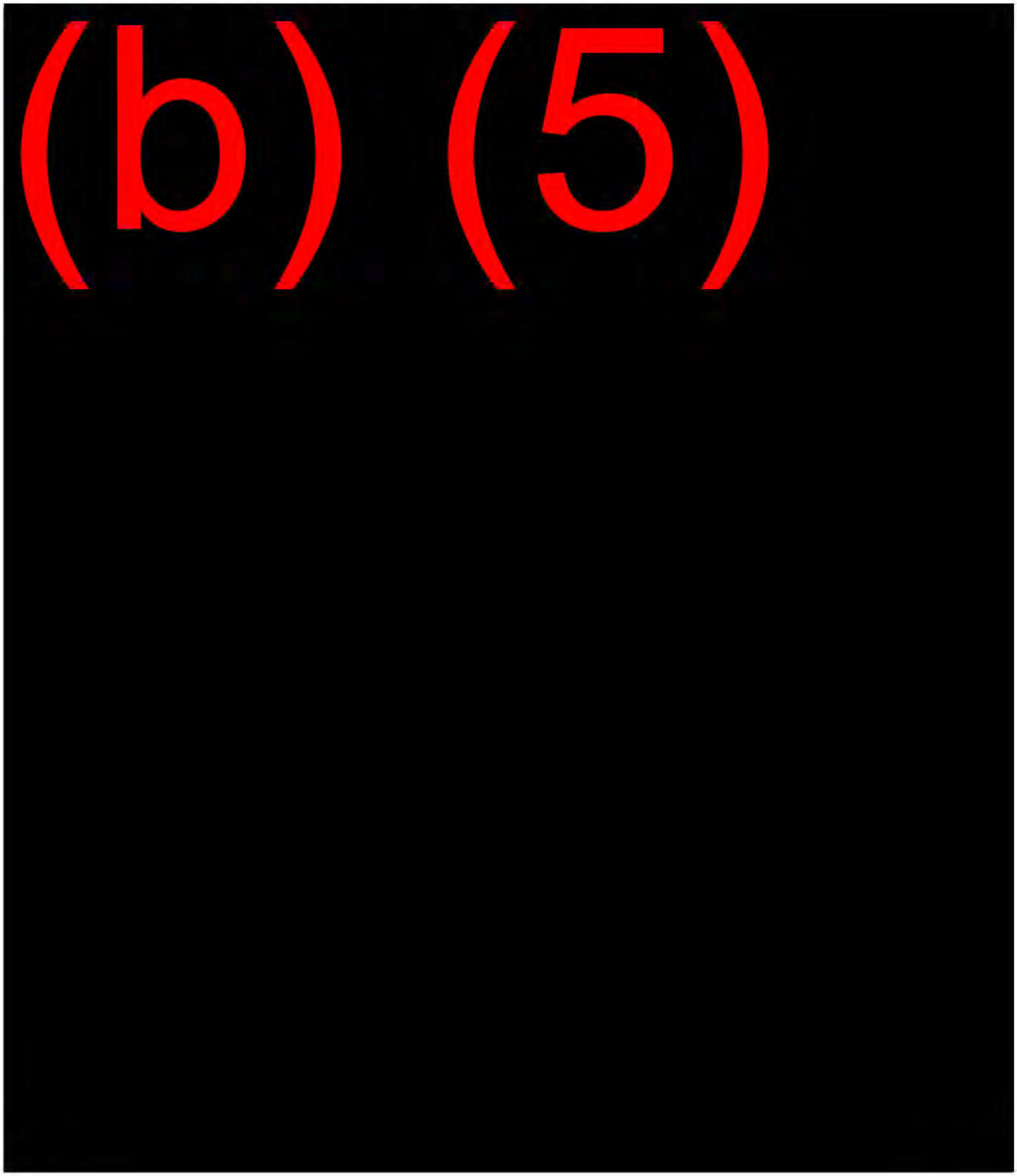
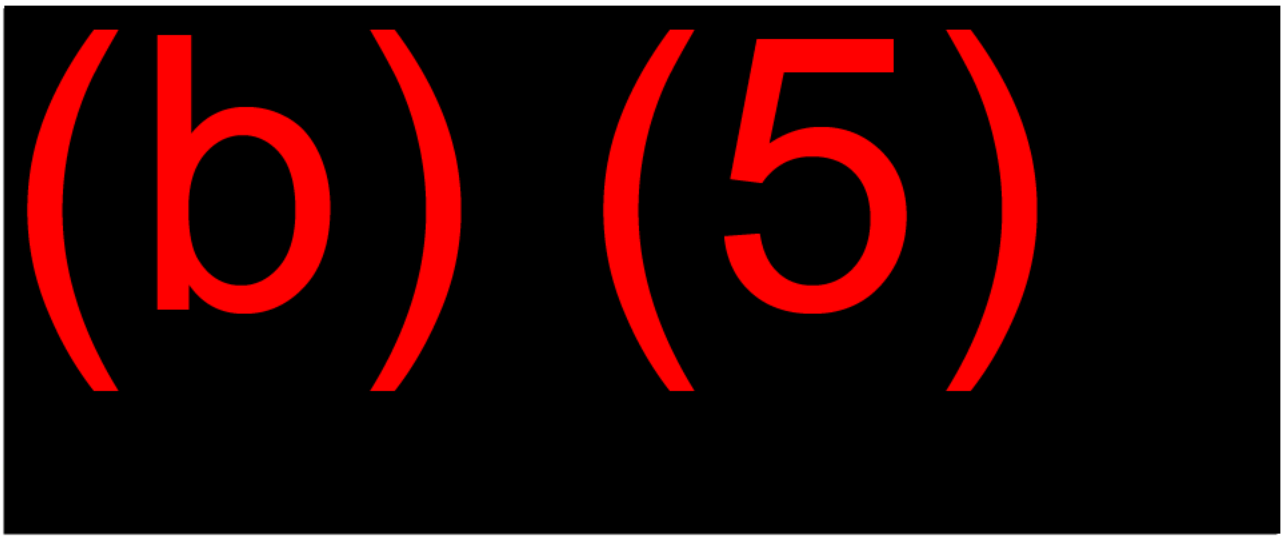
Jonathan B. Jarvis
Director, NPS

DRAFT: Confidential, Pre-decisional and Not for Release

10/9/2013

Interim Policy Regarding Commercial and Partnership Operations:

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Young, Deirdre R

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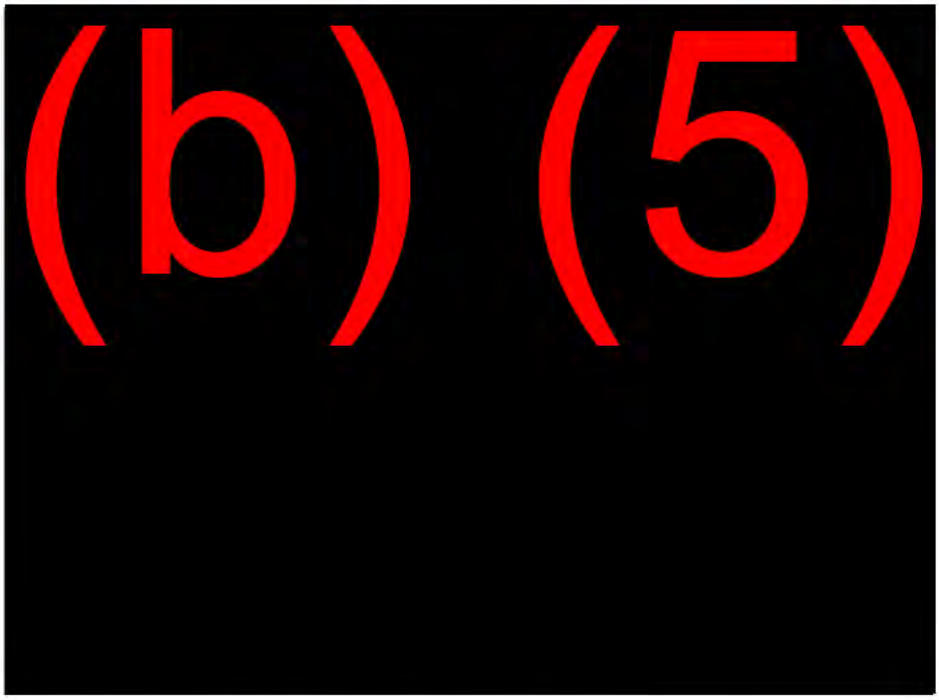
> 
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Subject: Re: quick review - claude moore and pisgah
To: Edward Boling <ted.boling@sol.doi.gov>
Cc: "Kelly, Katherine" <kate_kelly@ios.doi.gov>, "Waldron, Suzanne" <sue_waldron@nps.gov>, Jon Jarvis <Jon_Jarvis@nps.gov>, Maureen Foster <Maureen_Foster@nps.gov>, Lena McDowall <Lena_McDowall@nps.gov>, Cam Sholly <Cam_Sholly@nps.gov>, Barry Roth <barry.roth@sol.doi.gov>, Lisa Mendelson <lisa_mendelson-ielmini@nps.gov>, Jennifer Mummart <jennifer_Mummart@nps.gov>, Bruce Sheaffer <Bruce_Sheaffer@nps.gov>, Mike Litterst <Mike_Litterst@nps.gov>, Blake Androff <Blake_Androff@ios.doi.gov>

So more conversation in morning. Thank you all for sticking with is during a trying and very busy day.

Sent from my iPhone

On Oct 8, 2013, at 9:12 PM, Edward Boling <ted.boling@sol.doi.gov> wrote:

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>
> Sent from my iPhone
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> On Oct 8, 2013, at 8:50 PM, Margaret O'Dell <peggy_o'dell@nps.gov> wrote:
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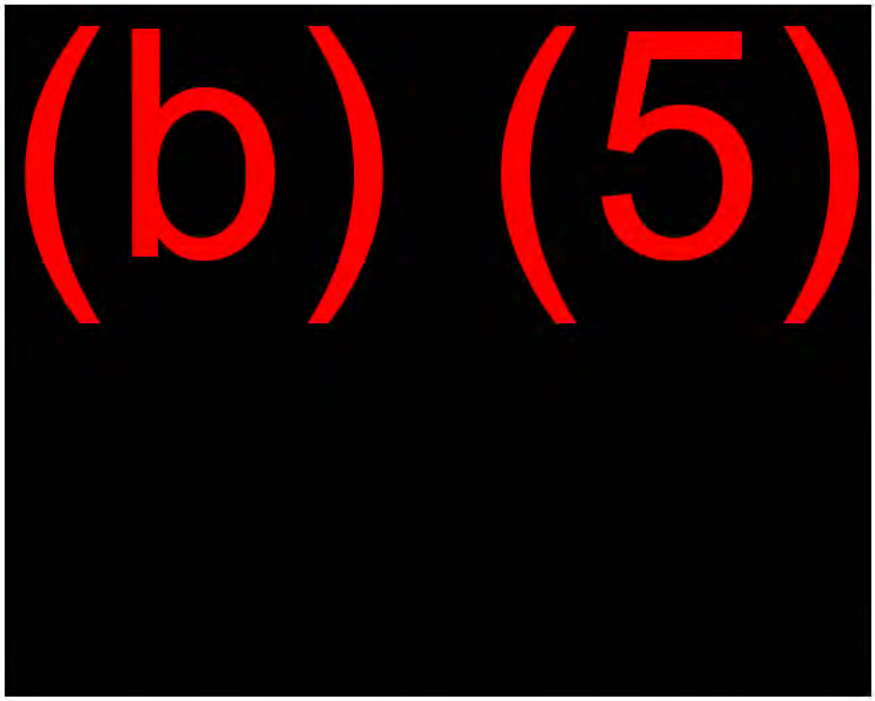
> > Sent from my iPhone
> >
> > On Oct 8, 2013, at 7:42 PM, "Kelly, Katherine" <kate_kelly@ios.doi.gov> wrote:
> >
> > > Here is the updated SOL-approved version:



On Tuesday, October 8, 2013, Waldron, Suzanne wrote:
ignore this - another version under review by sol which is revising - so guess we will reconnect tomorrow

leaving!

On Tue, Oct 8, 2013 at 6:59 PM, Waldron, Suzanne <sue_waldron@nps.gov> wrote:
if we get calls....

--
Sue Waldron
Assistant Director, Communications
National Park Service
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Young, Deirdre R

From: Margaret O'Dell <peggy_o'dell@nps.gov>
Sent: Tuesday, October 08, 2013 9:19 PM
To: Edward Boling
Cc: Kelly, Katherine; Waldron, Suzanne; Jon Jarvis; Maureen Foster; Lena McDowall; Cam Sholly; Barry Roth; Lisa Mendelson; Jennifer Mummart; Bruce Sheaffer; Mike Litterst; Blake Androff
Subject: Re: quick review - claude moore and pisgah

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(b) (5)

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kate_kelly@ios.doi.gov

Young, Deirdre R

From: Edward Boling <ted.boling@sol.doi.gov>
Sent: Tuesday, October 08, 2013 9:07 PM
To: Margaret O'Dell
Cc: Kelly, Katherine; Waldron, Suzanne; Jon Jarvis; Maureen Foster; Lena McDowall; Cam Sholly; Barry Roth; Lisa Mendelson; Jennifer Mummart; Bruce Sheaffer; Mike Litterst; Blake Androff
Subject: Re: quick review - claude moore and pisgah

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

Sent from my iPhone

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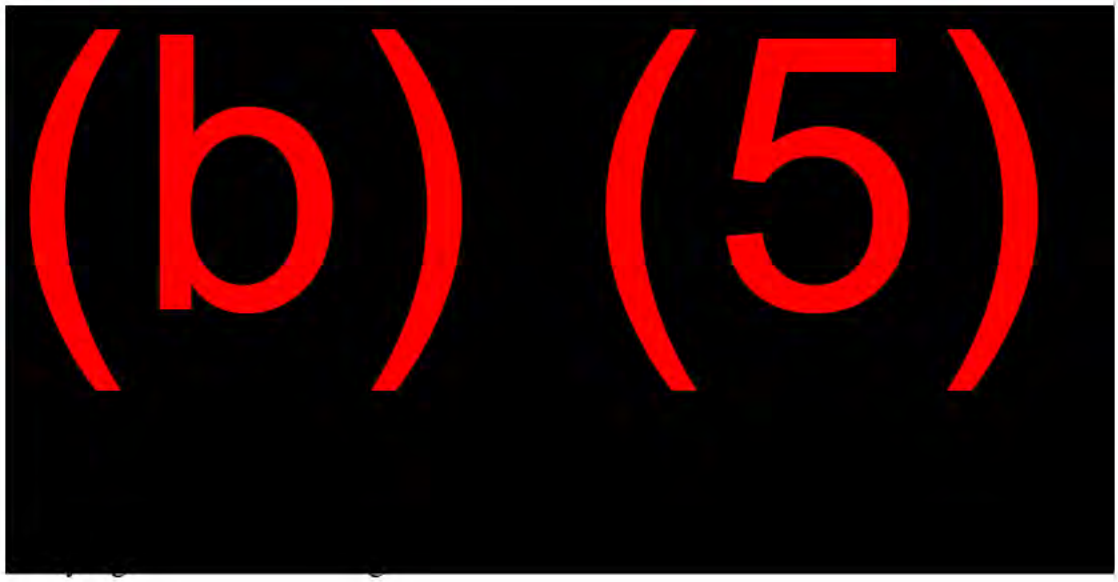
> 
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Young, Deirdre R

From: Margaret O'Dell <peggy_o'dell@nps.gov>
Sent: Tuesday, October 08, 2013 8:51 PM
To: Kelly, Katherine
Cc: Waldron, Suzanne; Jon Jarvis; Maureen Foster; Lena McDowall; Cam Sholly; Barry Roth; Edward Boling; Lisa Mendelson; Jennifer Mummart; Bruce Sheaffer; Mike Litterst; Blake Androff
Subject: Re: quick review - claude moore and pisgah

For the lawyers. Is NPS taking the communications lead for Pisgah. Normally with litigation Justice wants us to let them do it. This may be different based on where we are with respect to litigation.

Sent from my iPhone

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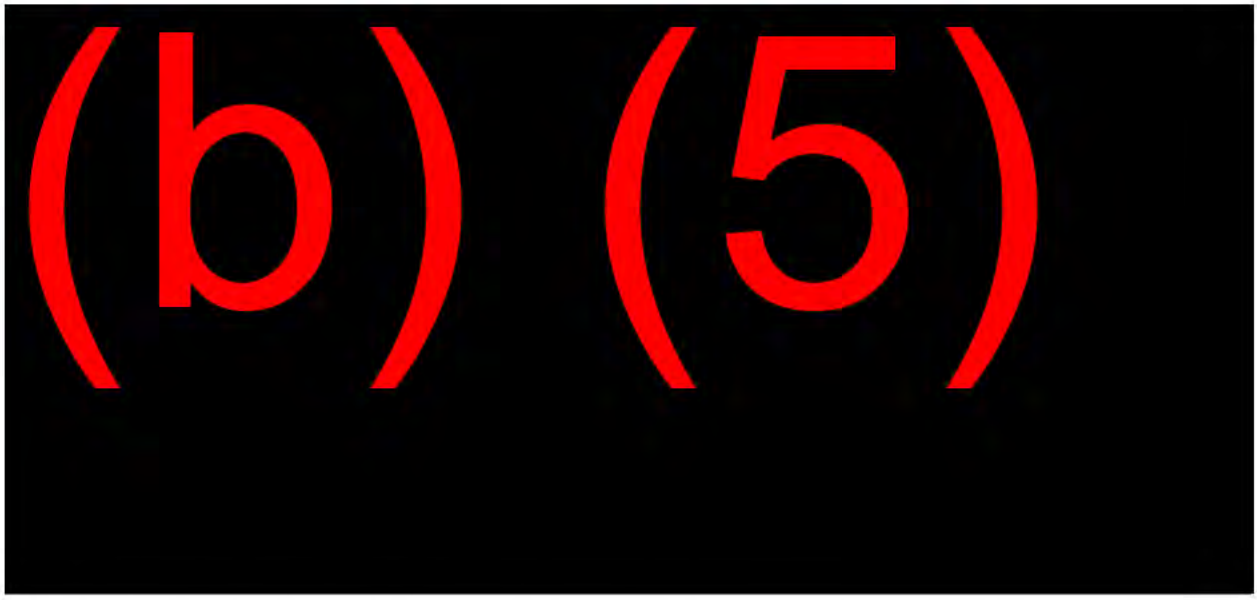
>
> 
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Department of the Interior
(202) 208 2409
kate_kelly@ios.doi.gov

Young, Deirdre R

From: Kelly, Katherine <kate_kelly@ios.doi.gov>
Sent: Tuesday, October 08, 2013 7:43 PM
To: Waldron, Suzanne
Cc: Jon Jarvis; Peggy O'Dell; Maureen Foster; Lena McDowall; Cam Sholly; Barry Roth; Edward Boling; Lisa Mendelson; Jennifer Mummart; Bruce Sheaffer; Mike Litterst; Kate Kelly; Blake Androff
Subject: Re: quick review - claude moore and pisgah

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(202) 208 2409
kate_kelly@ios.doi.gov

Young, Deirdre R

From: Margaret O'Dell <peggy_o'dell@nps.gov>
Sent: Tuesday, October 08, 2013 7:33 PM
To: Roth, Barry
Cc: Waldron, Suzanne; Jonathan Jarvis; Foster, Maureen; McDowall, Lena; Sheaffer, C. B.
Subject: Re: updated - for review

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

Sent from my iPhone

On Oct 8, 2013, at 7:26 PM, "Roth, Barry" <barry.roth@sol.doi.gov> wrote:

> Here is what Jack and Ted gave back to Kate.
>
> Barry N. Roth
> Associate Solicitor
> Division of Parks & Wildlife
> 202-208-4344
> Fax: 202-208-3877
> 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.
>
> ---------- Forwarded message ----------
> From: **Boling, Edward** <ted.boling@sol.doi.gov>
> Date: Tue, Oct 8, 2013 at 7:23 PM
> Subject: Fwd: updated - for review
> To: Katherine Kelly <kate_kelly@ios.doi.gov>
> Cc: Jack Haugrud <jack.haugrud@sol.doi.gov>, Barry Roth <BARRY.ROTH@sol.doi.gov>
>
> **CLAUDE MOORE / [PISGAH]**
>
> (b) (5)

(b) (5)

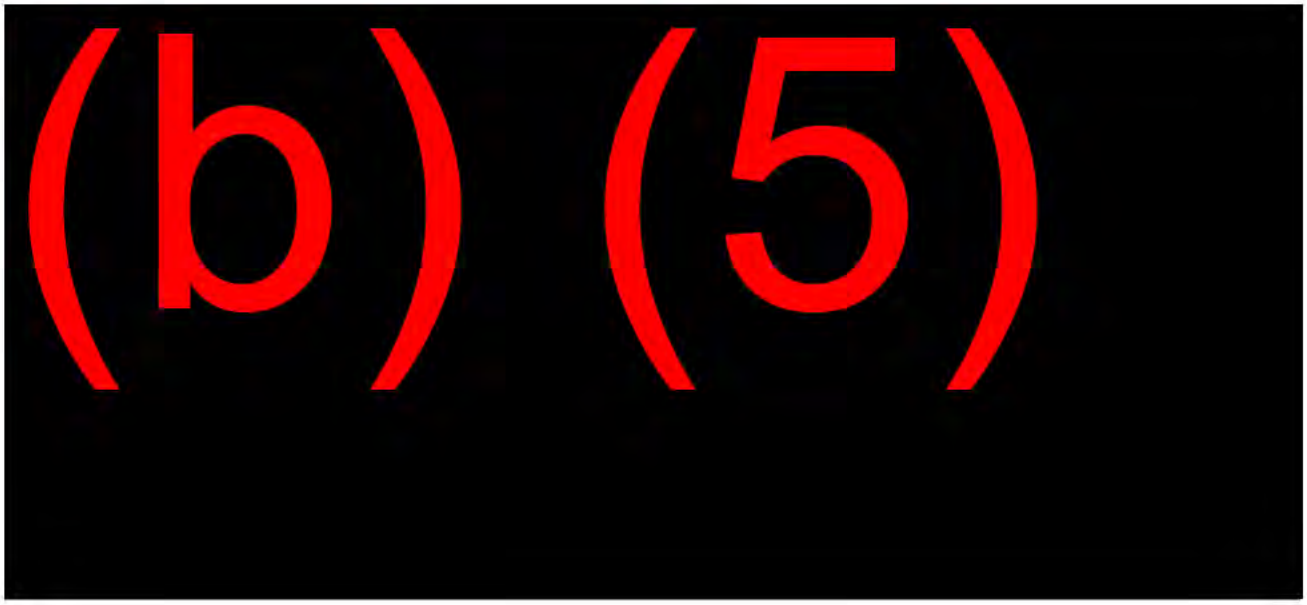
Ted Boling
Deputy Solicitor -- Parks & Wildlife
U.S Department of the Interior
1849 C Street NW
Washington, DC 20240
202-208-4423 (main)
202-208-3125 (direct)
202-208-5584 (fax)
Ted.Boling@sol.doi.gov

---------- Forwarded message ----------
From: **Boling, Edward** <ted.boling@sol.doi.gov>
Date: Tue, Oct 8, 2013 at 7:14 PM
Subject: Fwd: updated - for review
To: Jack Haugrud <jack.haugrud@sol.doi.gov>

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

---------- Forwarded message ----------
From: **Kelly, Katherine** <kate_kelly@ios.doi.gov>
Date: Tue, Oct 8, 2013 at 7:00 PM
Subject: updated - for review
To: "Haugrud, Jack" <jack.haugrud@sol.doi.gov>, Ted Boling <Ted.Boling@sol.doi.gov>
Cc: "Androff, Blake J" <Blake_Androff@ios.doi.gov>, laura davis <Laura_Davis@ios.doi.gov>, Nicole Buffa <nicole_buffa@ios.doi.gov>

CLAUDE MOORE / [PISGAH]



--

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

Young, Deirdre R

From: Roth, Barry <barry.roth@sol.doi.gov>
Sent: Tuesday, October 08, 2013 7:26 PM
To: Waldron, Suzanne; Jonathan Jarvis; Foster, Maureen; McDowall, Lena; Sheaffer, C. B.; O'Dell, Peggy
Subject: Fwd: updated - for review

Here is what Jack and Ted gave back to Kate.

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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From: **Boling, Edward** <ted.boling@sol.doi.gov>
Date: Tue, Oct 8, 2013 at 7:23 PM
Subject: Fwd: updated - for review
To: Katherine Kelly <kate_kelly@ios.doi.gov>
Cc: Jack Haugrud <jack.haugrud@sol.doi.gov>, Barry Roth <BARRY.ROTH@sol.doi.gov>

CLAUDE MOORE / [PISGAH]

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From: **Kelly, Katherine** <kate_kelly@ios.doi.gov>
Date: Tue, Oct 8, 2013 at 7:00 PM
Subject: updated - for review
To: "Haugrud, Jack" <jack.haugrud@sol.doi.gov>, Ted Boling <Ted.Boling@sol.doi.gov>
Cc: "Androff, Blake J" <Blake_Androff@ios.doi.gov>, laura davis <Laura_Davis@ios.doi.gov>, Nicole Buffa <nicole_buffa@ios.doi.gov>

CLAUDE MOORE / [PISGAH]

(b) (5)

--

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

Young, Deirdre R

From: Lisa Mendelson <lisa_mendelson-ielmini@nps.gov>
Sent: Tuesday, October 08, 2013 7:24 PM
To: Jennifer Mummart
Cc: Sue_Waldron@nps.gov
Subject: Re: quick review - claude moore and pisgah

Yes we still need to be able to convey the longstanding aid, even if it does cease in 14, subject to (un)available approps.

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

On Oct 8, 2013, at 7:04 PM, Jennifer Mummart <jennifer_mummart@nps.gov> wrote:

Of course, CM will contend that they never have received support/assistance from NPS (shutdown or no). Are we able to provide/correct that information if it comes up?

From: Waldron, Suzanne [mailto:sue_waldron@nps.gov]
Sent: Tuesday, October 08, 2013 03:59 PM
To: Jon Jarvis <Jon_Jarvis@nps.gov>; Peggy O'Dell <Peggy_O'Dell@nps.gov>; Maureen Foster <Maureen_Foster@nps.gov>; Lena McDowall <Lena_McDowall@nps.gov>; Cam Sholly <Cam_Sholly@nps.gov>; Barry Roth <barry.roth@sol.doi.gov>; Edward Boling <Ted.Boling@sol.doi.gov>; Lisa Mendelson <lisa_mendelson-ielmini@nps.gov>; Jennifer Mummart <jennifer_Mummart@nps.gov>; Bruce Sheaffer <Bruce_Sheaffer@nps.gov>
Cc: Mike Litterst <Mike_Litterst@nps.gov>; Kate Kelly <Kate_Kelly@ios.doi.gov>; Blake Androff <Blake_Androff@ios.doi.gov>
Subject: quick review - claude moore and pisgah

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Young, Deirdre R

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Tuesday, October 08, 2013 7:20 PM
To: Benge, Shawn; Kate Kelly; Blake Androff; Mike Litterst; Edward Boling
Cc: Cam Sholly; Margaret O'Dell; Barry Roth; William Reynolds; Sherri Fields
Subject: Re: BLRI--Mt. Pisgah Inn

they are being worked over by the lawyers now

On Tue, Oct 8, 2013 at 7:06 PM, Benge, Shawn <shawn_benge@nps.gov> wrote:

Rangers are currently being directed to leave the area. Please be mindful the media will be calling or showing up at the park in the morning. We are going to need talking points. I would assume WASO will want the lead in developing the message?

If you have any thoughts, please let me know.

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

--
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Assistant Director, Communications
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Young, Deirdre R

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Sent: Tuesday, October 08, 2013 7:19 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: Re: quick review - claude moore and pisgah

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Young, Deirdre R

From: Benge, Shawn <shawn_benge@nps.gov>
Sent: Tuesday, October 08, 2013 7:06 PM
To: Suzanne Waldron
Cc: Cam Sholly; Margaret O'Dell; Barry Roth; William Reynolds; Sherri Fields
Subject: BLRI--Mt. Pisgah Inn

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

Young, Deirdre R

From: Jennifer Mummart <jennifer_mummart@nps.gov>
Sent: Tuesday, October 08, 2013 7:03 PM
To: Sue_Waldron@nps.gov; lisa_mendelson-ielmini@nps.gov
Subject: Re: quick review - claude moore and pisgah

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Cc: Mike Litterst <Mike_Litterst@nps.gov>; Kate Kelly <Kate_Kelly@ios.doi.gov>; Blake Androff <Blake_Androff@ios.doi.gov>
Subject: quick review - claude moore and pisgah

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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

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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 15, 2013 3:34 PM
To: Maureen Foster; Lena McDowall
Subject: Fwd: Concessions
Attachments: Concessions Amendment to Closure Notice 2013-10-11.pdf

so this is the final one?

---------- Forwarded message ----------
From: **Haugrud, Kevin** <jack.haugrud@sol.doi.gov>
Date: Tue, Oct 15, 2013 at 3:26 PM
Subject: Fwd: Concessions
To: Blake Androff <blake_androff@ios.doi.gov>, Katherine Kelly <kate_kelly@ios.doi.gov>, Suzanne Waldron <sue_waldron@nps.gov>, Nicole Buffa <nicole_buffa@ios.doi.gov>, Tim Fullerton <tim_fullerton@ios.doi.gov>
Cc: Ted Boling <Ted.Boling@sol.doi.gov>, Barry Roth <barry.roth@sol.doi.gov>

---------- Forwarded message ----------
From: **Foster, Maureen** <maureen_foster@nps.gov>
Date: Tue, Oct 15, 2013 at 3:21 PM
Subject: Concessions
To: Edward Boling <ted.boling@sol.doi.gov>, Barry Roth <barry.roth@sol.doi.gov>, Kevin Haugrud <jack.haugrud@sol.doi.gov>

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so that all may experience our heritage.

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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