Young, Deirdre R

From: Haugrud, Kevin <jack.haugrud@sol.doi.gov>
Sent: Tuesday, October 15, 2013 3:13 PM
To: Barry Roth; Ted Boling
Cc: Blake Androff; Katherine Kelly; Suzanne Waldron; Michael Litterst; Nicole Buffa; Tim Fullerton
Subject: Fwd: Concessionaire Policy
Attachments: NPS Policy on Concessionaire Contract Review (SOL final) (1).docx

Barry or Ted: I am assuming that no further revisions were made to the attached version. Could one of you verify that this is final.

---------- Forwarded message ----------
From: **Androff, Blake** <blake_androff@ios.doi.gov>
Date: Tue, Oct 15, 2013 at 3:09 PM
Subject: Concessionaire Policy
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>

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

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

Young, Deirdre R

From: Vanover, Christie <christie_vanover@nps.gov>
Sent: Wednesday, October 09, 2013 4:35 PM
To: Litterst, Michael
Cc: Blake Androff; Kate Kelly; William Dickinson
Subject: Re: *CBS News Media Request - Lake Mead cabins
Attachments: image001.jpg

Mike,
below are the recommended changes from LAKE.

We are not asking any park, concession or VIP employees to leave their homes if it is their primary residence. Also, we are not requiring our concessioner to vacate their businesses because they are still securing private property on site.

(b) (5)

Also, we do not refer to cabin site owners as residents. These are non-residential properties.

(b) (5)

On Wed, Oct 9, 2013 at 12:54 PM, Litterst, Michael <mike_litterst@nps.gov> wrote:
Here's my proposed statement and background on Lake Mead. Copying park PIO Christie Vanover who can correct any misinformation. Let me know comments/edits so I can get back to the reporter.

On record:
With the lapse in Congressional appropriations, the National Park Service has been required to close all 401 national parks. The effects of the shutdown are impacting the lives of hundreds of thousands of, including our 715,000 potential visitors who are being turned away each day; our 20,000 furloughed employees and their families; and our many partners, concessionaires and permittees who have had to leave their homes and businesses that exist in parks.

The National Park Service shares in the frustration of all of these individuals and organizations. We to hope there is a resolution soon to the lapse in federal appropriation so that we may reopen America's 401 national parks for the enjoyment of millions of visitors.

On background:
Residents of the cabin sites at Lake Mead National Recreation Area are granted five-year permits, which allow solely intermittent residency in the park; they are not allowed to be used as the primary residence of the permit holder. The permit includes the condition that the National Park Service "reserves the right at any time to close to travel any of its lands." There are 48 cabin sites in the park; only 3 were occupied at the time of the shutdown. Those individuals are free to travel to and from their property during the shutdown to gather belongings, take care of their property, etc.

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

Mike Litterst
Chief Spokesperson (acting)

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

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

EXPERIENCE YOUR AMERICA

---------- Forwarded message ----------
From: **Shutdown, DOI** <doi_shutdown@ios.doi.gov>
Date: Wed, Oct 9, 2013 at 1:14 PM
Subject: Re: *CBS News Media Request
To: "Shaban, Bigad" <Bigad.Shaban@cbs.com>
Cc: Michael Litterst <mike_litterst@nps.gov>

Looping you with Mike Litterst with the National Park Service.

On Wed, Oct 9, 2013 at 12:23 PM, Shaban, Bigad <Bigad.Shaban@cbs.com> wrote:

Hi there,

My name is Bigad Shaban and I am a correspondent with CBS News (national).

I am looking to receive comment about homeowners not being allowed to return to their homes located in Nevada's Lake Mead National Recreational Area—about an hour east of Las Vegas.
~~~~~~~~~~~~~~~~~~

I've read reports that because of the government shutdown, the area has been closed.

Can someone please call me to provide some background on the issue? **My cell: 818-471-6144.**

- Are homeowners allowed back to their homes at all?

- One media outlet reported the following statement:

"Unfortunately overnight stays are not permitted until a budget is passed and the park can reopen."

~ Christie Vanover, Lake Mead National Recreation Area

.....

Bigad Shaban | CBS News Correspondent | cell: 818.471.6144 | newsroom: 818.655.2510

CBS NEWS

4200 Radford Avenue

Studio City, California 91604

Bigad.Shaban@CBS.com

www.Twitter.com/BigadShaban

--

Respectfully,

Christie Vanover
Public Affairs Officer
Lake Mead National Recreation Area
National Park Service
601 Nevada Way, Boulder City, NV 89005
702-293-8691 (office)
702-283-2344 (cell)
702-293-8936 (fax)
christie_vanover@nps.gov

www.nps.gov/lake/index.htm
Facebook: www.facebook.com/lakemead
Twitter: @LakeMeadNRA
Flickr: www.flickr.com/photos/lakemeadnra
YouTube: www.youtube.com/lakemeadnra

Young, Deirdre R

From: Androff, Blake <blake_androff@ios.doi.gov>
Sent: Wednesday, October 09, 2013 4:21 PM
To: Litterst, Michael
Cc: Kate Kelly; Christie Vanover
Subject: Re: *CBS News Media Request - Lake Mead cabins
Attachments: image001.jpg

Some thoughts, and defer to the park on the accuracy of the info in the 'on background' section.

On record:
With the lapse in funding by Congress, all 401 national parks are closed. The effects of the federal government shutdown are impacting the lives of hundreds of thousands of Americans, including the 715,000 individuals who usually visit our parks each day; our 20,000 furloughed employees and their families; and our many partners, concessionaires and permittees.

The National Park Service shares in the frustration of all of these individuals and organizations, and we to hope there is a resolution soon to the lapse in federal appropriation so that we may reopen America's 401 national parks for the enjoyment of millions of visitors.

On background:
Residents of the cabin sites at Lake Mead National Recreation Area are granted five-year permits, which allow solely intermittent residency in the park; they are not allowed to be used as the primary residence of the permit holder. The permit includes the condition that the National Park Service "reserves the right at any time to close to travel any of its lands." There are 48 cabin sites in the park; only 3 were occupied at the time of the shutdown. Those individuals are free to travel to and from their property during the shutdown to gather belongings, take care of their property, etc.

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Mike Litterst
Chief Spokesperson (acting)

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

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From: **Shutdown, DOI** <doi_shutdown@ios.doi.gov>
Date: Wed, Oct 9, 2013 at 1:14 PM
Subject: Re: *CBS News Media Request
To: "Shaban, Bigad" <Bigad.Shaban@cbs.com>
Cc: Michael Litterst <mike_litterst@nps.gov>

Looping you with Mike Litterst with the National Park Service.

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~ Christie Vanover, Lake Mead National Recreation Area

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Bigad Shaban | CBS News Correspondent | cell: 818.471.6144 | newsroom: 818.655.2510

CBS NEWS

4200 Radford Avenue

Studio City, California 91604

Bigad.Shaban@CBS.com

www.Twitter.com/BigadShaban

--
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 4:13 PM
To: Litterst, Michael
Cc: Kate Kelly; Christie Vanover
Subject: Re: *CBS News Media Request - Lake Mead cabins
Attachments: image001.jpg

Calling you with some edits now.

On Wed, Oct 9, 2013 at 3:54 PM, Litterst, Michael <mike_litterst@nps.gov> wrote:
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~~~~~~~~~~~~~~~~~~~~

Mike Litterst
Chief Spokesperson (acting)

National Park Service
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To: "Shaban, Bigad" <Bigad.Shaban@cbs.com>
Cc: Michael Litterst <mike_litterst@nps.gov>

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~ Christie Vanover, Lake Mead National Recreation Area

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Bigad Shaban | CBS News Correspondent | cell: 818.471.6144 | newsroom: 818.655.2510

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--

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

Young, Deirdre R

From: Vanover, Christie <christie_vanover@nps.gov>
Sent: Wednesday, October 09, 2013 3:51 PM
To: Litterst, Michael
Subject: Re: Cabin Site Update

Also, we have not been able to find a length-of-stay clause. We originally thought it was 180 days like the trailers, but the permit doesn't specify a time limit just that they are to be used for recreational use, not permanent residences. The compendium doesn't address cabin length-of-stay either, just trailers, houseboats and camping.

Sorry for the confusion, our commercial services person who manages these sites is on a European cruise. I'm working on a briefing statement now.

On Wed, Oct 9, 2013 at 12:47 PM, Litterst, Michael <mike_litterst@nps.gov> wrote:
Thanks; crafting a response now.

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

Mike Litterst
Chief Spokesperson (acting)

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

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On Wed, Oct 9, 2013 at 3:46 PM, Vanover, Christie <christie_vanover@nps.gov> wrote:
Mike,
I was able to access our concession files and it appears that we have 48 cabin sites, not 60.

--

Respectfully,

Christie Vanover
Public Affairs Officer
Lake Mead National Recreation Area
National Park Service
~~~~~~~~~~~~~~~~~~

601 Nevada Way, Boulder City, NV 89005
702-293-8691 (office)
702-283-2344 (cell)
702-293-8936 (fax)
christie_vanover@nps.gov

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--

Respectfully,

Christie Vanover
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Twitter: @LakeMeadNRA
Flickr: www.flickr.com/photos/lakemeadnra
YouTube: www.youtube.com/lakemeadnra

Young, Deirdre R

From: Vanover, Christie <christie_vanover@nps.gov>
Sent: Wednesday, October 09, 2013 3:47 PM
To: Michael Litterst
Subject: Cabin Site Update

Mike,
I was able to access our concession files and it appears that we have 48 cabin sites, not 60.

--

Respectfully,

Christie Vanover
Public Affairs Officer
Lake Mead National Recreation Area
National Park Service
601 Nevada Way, Boulder City, NV 89005
702-293-8691 (office)
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Flickr: www.flickr.com/photos/lakemeadnra
YouTube: www.youtube.com/lakemeadnra

Young, Deirdre R

From: blake_androff@ios.doi.gov on behalf of Shutdown, DOI <doi_shutdown@ios.doi.gov>
Sent: Wednesday, October 09, 2013 3:12 PM
To: Paul Lewis
Cc: Michael Litterst
Subject: Re: Request -

Looping you in with Mike Litterst with the National Park Service.

On Wed, Oct 9, 2013 at 1:24 PM, Paul Lewis <paul.lewis@theguardian.com> wrote:
Hi there,

I am the Guardian's Washington Correspondent.

I am writing a story about the closure of businesses affected by the Blue Ridge Parkway closure - I am in North Carolina now.

Can you please send me a number for a Park Service press officer who can help with this and provide a response.

Paul

--

Washington Correspondent
The Guardian

Cell: +1 (202) 360 5651 / Office: +1 (202) 223 2488

Twitter: @paullewis / Instagram: @paullewisreporter

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Young, Deirdre R

From: Dalby, Craig <craig_dalby@nps.gov>
Sent: Wednesday, October 09, 2013 2:39 PM
To: Michael Litterst
Subject: Explanation for Concession Closures

Mike,

GOGA is looking for some standard language on why concessions have to close. (One guess as to why.) Is there something that's been prepared?

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

Young, Deirdre R

From: Litterst, Michael <mike_litterst@nps.gov>
Sent: Wednesday, October 09, 2013 2:04 PM
To: Jane Ahern
Cc: Skip Brooks; Steve Williams
Subject: Carrot Tree statement

Lena and Bruce are ok with something to the effect of "Carrot Tree is operating in violation of a closure order, which is prohibited under the terms of their contract. We are assessing the situation and examining options."

Feel free to gussy it up.

Mike

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

Mike Litterst
Chief Spokesperson (acting)

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

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

Young, Deirdre R

From: william_f_reynolds@addthis.com on behalf of william_f_reynolds@nps.gov
Sent: Wednesday, October 09, 2013 9:59 AM
To: mike_litterst@nps.gov
Subject: Big South Fork lodge plans to defy government shutdown

Mike, I talked with Alexis last night and told her that the concessioner could be subject to legal action. Bill

http://www.wate.com/story/23642575/big-south-fork-lodge-plans-to-defy-government-shutdown#.UlVhLBEgTIA.email

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Young, Deirdre R

From: Michael Caldwell <mike_caldwell@nps.gov>
Sent: Tuesday, October 08, 2013 10:20 PM
To: Michael Litterst
Subject: Re: Fox News - The 2013 Battle of Yorktown: restaurant owner defies feds

He has already announced he is open for business tomorrow. I guess we need to discuss how we want this to play out in context of the BLRI issue

Mike Caldwell
Deputy Regional Director
Chief of Staff
National Park Service -
Northeast Region
200 Chestnut Street, Suite 502
Philadelphia, PA 19106

215-597-7059 - office
215-597-0815 - fax

Join the conversation about the Next 100 Years for America's National Parks

nextcenturyforparks.org

On Oct 8, 2013, at 10:00 PM, Michael Litterst <mike_litterst@nps.gov> wrote:

> Heads up - this is the same guy whose column about the WORI videos
> took that story mainstream. He's now taking up the cause of the Carrot
> Tree concessioner at Yorktown.
>
> http://www.foxnews.com/opinion/2013/10/08/2013-battle-yorktown-restaur
> ant-owner-defies-feds/
>
> Mike Litterst
> Chief Spokesperson (Acting)
> National Park Service
> 1849 C Street NW room 3310
> Washington, D.C. 20240
> 202-513-0354 -office
> 202-306-4166 - mobile

Young, Deirdre R

From: Michael Litterst <mike_litterst@nps.gov>
Sent: Tuesday, October 08, 2013 10:01 PM
To: Jonathan Jarvis; Margaret O'Dell; Maureen Foster; Cam Sholly; Suzanne Waldron; Kate Kelly; Blake Androff; Michael Caldwell; Jane Ahern; Skip Brooks; Steve Williams; Kenneth Doak; Tim Fullerton
Subject: Fox News - The 2013 Battle of Yorktown: restaurant owner defies feds

Heads up - this is the same guy whose column about the WORI videos took that story mainstream. He's now taking up the cause of the Carrot Tree concessioner at Yorktown.

http://www.foxnews.com/opinion/2013/10/08/2013-battle-yorktown-restaurant-owner-defies-feds/

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

Young, Deirdre R

From: Vanover, Christie <christie_vanover@nps.gov>
Sent: Tuesday, October 08, 2013 6:35 PM
To: Craig Dalby; Christine Powell; Michael Litterst; Suzanne Waldron
Cc: William Dickinson; Mary Hinson; Gary Warshefski; Adam Kelsey
Subject: Congressional Staffers at LAKE today

Keith Hughes, the district director for Rep. Heck (NV-R), came out to the park today. He said he was asked to look into some things by the House Committee on Natural Resources.

The first part of our discussion focused on the ~5,000 pieces of personal property in the park. I explained that we were allowing owners access, we just couldn't allow them to recreate in, on or with their property during the shutdown. I also explained that while we have 60 cabin site owners, only 3 were in the park Oct. 1. And there was early confusion because the owners didn't know they could come back to the park for more belongings during the day.

He said he shared that information with their legislative director. I asked if they were looking at proposing legislation related to this, and he wasn't sure. I explained that the cabin sites were being phased out, and that about 50% of them are already gone.

He also asked to walk a marina because he received multiple calls reporting that people were untying boats in slips. We had one incident where a boat owner reported that his boat was untied and it looked as if someone tried to steal the generator. That individual has since secured his property and installed security cameras. The concessioner and NPS have upped our patrols at that marina.

While at the marina, Keith spoke to a concession owner who expressed that they are losing around $10,000 a day in rental fees and retail sales. He also spoke to a boat owner who was allowed access into the park. Keith asked both groups how they were being treated by the NPS and they all said our rangers were letting property owners in with no hassle.

--

Respectfully,

Christie Vanover
Public Affairs Officer
Lake Mead National Recreation Area
National Park Service
601 Nevada Way, Boulder City, NV 89005
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Twitter: @LakeMeadNRA
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YouTube: www.youtube.com/lakemeadnra

Young, Deirdre R

From: Ahern, Jane <jane_ahern@nps.gov>
Sent: Tuesday, October 08, 2013 6:29 PM
To: Litterst, Michael
Subject: Re: Colo Concessioner

I'll look at it when I'm off the road, putting laptop away have to start driving.
I quickly scanned an email that had criteria listed. Slippery slope with no criteria.
So all VAFO calls/emails have been taken care of? If not, I'll just file. I think the TPs you send are good and to the point, I like the addition of "we've given thousands of verbal warnings" as well but you aren't using? Talk to you tomorrow.

On Tue, Oct 8, 2013 at 6:24 PM, Litterst, Michael <mike_litterst@nps.gov> wrote:
I realized later that you were off; Mike and I connected and I took care of the immediate problem of today, which was Valley Forge. The referenced Carrot Tree calls are expected tomorrow.

What criteria? It's an ever-changing situation, but last I heard (about 10 minutes ago) things were going to be evaluated case by case, rather than with a checklist of criteria.

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

Mike Litterst
Chief Spokesperson (acting)

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

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EXPERIENCE YOUR AMERICA

On Tue, Oct 8, 2013 at 6:21 PM, Ahern, Jane <jane_ahern@nps.gov> wrote:
Mike: Just looking at this now - [redacted]

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On Tue, Oct 8, 2013 at 12:22 PM, Michael Caldwell <mike_caldwell@nps.gov> wrote:
FYI

Mike Caldwell
Deputy Regional Director
Chief of Staff
National Park Service -
Northeast Region
200 Chestnut Street, Suite 502
Philadelphia, PA 19106

215-597-7059 - office
215-597-0815 - fax

Join the conversation about the Next 100 Years for America's National Parks

nextcenturyforparks.org

Begin forwarded message:

> **From:** "Williams, Steven" <steven_williams@nps.gov>
> **Date:** October 8, 2013, 12:20:23 PM EDT
> **To:** Michael Caldwell <mike_caldwell@nps.gov>, Stephen M Clark <Stephen_M_Clark@nps.gov>, Jane Ahern <jane_ahern@nps.gov>, Brian Strack <brian_strack@nps.gov>
> **Subject: RE: Colo Concessioner**
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http://www.wvec.com/news/Yorktown-restaurant-owner-fed-up-with-government-shutdown-226892051.html

--

Steven Williams

Chief Ranger

Colonial National Historical Park

P.O. Box 210

Yorktown, VA 23690

757.898.2425-Ofc

757.846.6045-Cell

757.856.1276-Fax

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Young, Deirdre R

From: Alexis Zotos <azotos@wate.com>
Sent: Tuesday, October 08, 2013 6:09 PM
To: Reynolds, William
Cc: Michael Litterst
Subject: Re: Big South Fork NRRA and Charit Creek Lodge

Hi Bill,

Sorry I missed your call. Very little service in the Big South Fork area. If possible, it might be easier to email me a response but if you need to speak in person we should be back in service area within the hour.

Thank you and I look forward to your response.

Best,
Alexis Zotos

Sent from my iPhone

> On Oct 8, 2013, at 1:09 PM, "Reynolds, William" <william_f_reynolds@nps.gov> wrote:
>
> Good afternoon, Alexis! Thanks for contacting us regarding Charit Creek Lodge. We are reviewing your questions and should have answers for you later this afternoon.
> Best Regards,
> Bill Reynolds
>
> --
> William F. Reynolds
> Assistant Regional Director
> National Park Service Southeast Region
> 404-507-5612
>

Young, Deirdre R

From: Niki Nicholas <niki_nicholas@nps.gov>
Sent: Tuesday, October 08, 2013 4:51 PM
To: William Reynolds
Cc: Shawn Benge; Suzanne Waldron; Michael Litterst; David Horne
Subject: RE: DRAFT Talking Points and response to query for BISO - Charit Creek Lodge

Looks good to me. Thanks!

Niki Stephanie Nicholas
Superintendent
Big South Fork National River & Recreation Area
Obed Wild & Scenic River
4564 Leatherwood Road
Oneida, Tennessee 37841
423-569-9778
niki_nicholas@nps.gov

www.nps.gov/biso and www.nps.gov/obed
Like Big South Fork NRRA on Facebook and Like Obed WSR on Facebook
Follow Big South Fork NRRA on Twitter and Follow Obed WSR on Twitter

---

From: Reynolds, William [mailto:william_f_reynolds@nps.gov]
Sent: Tuesday, October 08, 2013 4:31 PM
To: Niki Nicholas
Cc: Shawn Benge; Suzanne Waldron; Michael Litterst; David Horne
Subject: Re: DRAFT Talking Points and response to query for BISO - Charit Creek Lodge

Revised, IAW Shawn and Niki's comments.

On Tue, Oct 8, 2013 at 4:21 PM, Niki Nicholas <niki_nicholas@nps.gov> wrote:
Here you go. Thanks for all your help!

Niki Stephanie Nicholas
Superintendent
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From: Reynolds, William [mailto:william_f_reynolds@nps.gov]
Sent: Tuesday, October 08, 2013 4:00 PM
To: Niki Nicholas

Cc: Shawn Benge; Sue Waldron; Michael Litterst; David Horne
Subject: DRAFT Talking Points and response to query for BISO - Charit Creek Lodge

Please review and provide me your comments ASAP. I have a 5 p.m. deadline with the reporter.
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Bill

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Assistant Regional Director
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404-507-5612

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404-507-5612

Young, Deirdre R

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Tuesday, October 08, 2013 4:39 PM
To: Reynolds, William; Lena McDowall
Cc: Niki Nicholas; Shawn Benge; Michael Litterst; David Horne; Maureen Foster; Cam Sholly; Peggy O'Dell
Subject: Re: DRAFT Talking Points and response to query for BISO - Charit Creek Lodge

looping in Lena for content and others for awareness

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Sue Waldron
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Attachments: BISO - Charit Crk Lodge tlkg pts - 100813.docx

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Big South Fork National River and Recreation Area
Charit Creek Lodge Talking Points
Tuesday, October 8, 2013

1. Charit Creek Lodge is a Federally-owned facility that operates as a concession under contract with the National Park Service. During the lapse in appropriations, all National Park units are closed. All visitor services, facilities and activities, including those operated or provided by concessioners, are suspended in closed areas until funding is restored.

2. We know that many people who want to visit Big South Fork during this beautiful time of year will be disappointed and we wish the circumstances were different. The shutdown is a very unfortunate situation that has disappointed millions of visitors to national parks across the country and hundreds of other concessioners. Closing national parks and turning away visitors goes against our grain. It was not our choice, but it is our obligation under federal law.

3. We advised the Charit Creek Lodge on Tuesday, October 1, that all National Park visitor services, facilities and activities, including its concession operation, were required to close because of the Federal Government shutdown. They initially complied with that requirement.

4. When NPS found out that the concessioner intended to reopen today, Park rangers contacted them to reiterate the requirement to close and remain closed for the duration of the Federal Government shutdown. We further advised the concessioner that we have an expectation that they will comply with the closure, and opening the lodge would be in violation of the concession contract.

5. We respectfully ask the concessioner, our neighbors and visitors to honor the closure. Opening the lodge will subject the concessioner to the possibility of legal action that will be determined after review by Department of the Interior solicitors.

7. Big South Fork National River and Recreation Area continues to have Park Rangers available to respond to public safety needs and to protect resources and park facilities.

8. We reiterate that we know these closures are a great disappointment to visitors and a hardship for all employees, including those of the concessioners, and we wish the situation was different.

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Sent: Tuesday, October 08, 2013 12:36 PM
To: Litterst, Michael
Cc: Lena McDowall; Sue Waldron; Jane Ahern
Subject: Re: Colo Concessioner

got it

Mike Caldwell
Deputy Regional Director, Chief of Staff
National Park Service - Northeast Region
200 Chestnut Street, Suite 502
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> **From:** "Williams, Steven" <steven_williams@nps.gov>
> **Date:** October 8, 2013, 12:20:23 PM EDT
> **To:** Michael Caldwell <mike_caldwell@nps.gov>, Stephen M Clark <Stephen_M_Clark@nps.gov>, Jane Ahern <jane_ahern@nps.gov>, Brian Strack <brian_strack@nps.gov>
> **Subject: RE: Colo Concessioner**
>
> http://www.wvec.com/news/Yorktown-restaurant-owner-fed-up-with-government-shutdown-226892051.html
> --
>
> Steven Williams
>
> Chief Ranger
>
> Colonial National Historical Park
>
> P.O. Box 210
>
> Yorktown, VA 23690

757.898.2425-Ofc

757.846.6045-Cell

757.856.1276-Fax

757.898.2427-Dispatch

Young, Deirdre R

From: Litterst, Michael <mike_litterst@nps.gov>
Sent: Tuesday, October 08, 2013 12:26 PM
To: Michael Caldwell
Cc: Lena McDowall; Sue Waldron; Jane Ahern
Subject: Re: Colo Concessioner

Just talked with Steve Williams. I asked when they get media inquiries that they be referred to Jane.

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

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

On Tue, Oct 8, 2013 at 12:22 PM, Michael Caldwell <mike_caldwell@nps.gov> wrote:
FYI

Mike Caldwell
Deputy Regional Director
Chief of Staff
National Park Service -
Northeast Region
200 Chestnut Street, Suite 502
Philadelphia, PA 19106

215-597-7059 - office
215-597-0815 - fax

Join the conversation about the Next 100 Years for America's National Parks

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757.898.2427-Dispatch

Young, Deirdre R

From: Litterst, Michael <mike_litterst@nps.gov>
Sent: Tuesday, October 08, 2013 11:33 AM
To: Stephen Clark
Subject: Re: Colo Concession

So they're operating out of the park building today, not just at other sites as the article mentioned?

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

Mike Litterst
Chief Spokesperson (acting)

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Washington, DC 20240
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Cell: (202) 306-4166

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EXPERIENCE YOUR AMERICA

On Tue, Oct 8, 2013 at 11:12 AM, Stephen Clark <stephen_m_clark@nps.gov> wrote:
Hi Mike

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

Talk to you later.

Steve

From: Litterst, Michael [mailto:mike_litterst@nps.gov]
Sent: Tuesday, October 08, 2013 06:18 AM
To: Michael Caldwell <mike_caldwell@nps.gov>
Cc: Jane Ahern <Jane_Ahern@nps.gov>; Stephen Clark <Stephen_M_Clark@nps.gov>; Brian Strack <brian_strack@nps.gov>
Subject: Re: Colo Concession

And another one:

http://wydaily.com/2013/10/06/carrot-tree-staff-owners-persevere-despite-forced-shutdown/
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> **From:** "Williams, Steven" <steven_williams@nps.gov>
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> **To:** Jane Ahern <jane_ahern@nps.gov>
> **Cc:** Michael Caldwell <mike_caldwell@nps.gov>, Stephen M Clark <Stephen_M_Clark@nps.gov>
> **Subject: RE: Colo Concession**
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~~~~~~~~~~~~~~~~~~

This story is beginning to pick up a little steam in the community...

http://www.dailypress.com/news/york-county/dp-nws-wittman-yorktown-office-20131004,0,7198700.story

Steve

--

Steven Williams

Chief Ranger

Colonial National Historical Park

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Young, Deirdre R

From: Stephen Clark <stephen_m_clark@nps.gov>
Sent: Tuesday, October 08, 2013 11:12 AM
To: mike_litterst@nps.gov
Cc: cam_sholly@nps.gov; charles_cuvelier@nps.gov; mike_caldwell@nps.gov; brian_strack@nps.gov; jane_ahern@nps.gov
Subject: Re: Colo Concession

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(b) (5)

Talk to you later.

Steve

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Cc: Jane Ahern <Jane_Ahern@nps.gov>; Stephen Clark <Stephen_M_Clark@nps.gov>; Brian Strack <brian_strack@nps.gov>
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Young, Deirdre R

From: Litterst, Michael <mike_litterst@nps.gov>
Sent: Tuesday, October 08, 2013 9:19 AM
To: Michael Caldwell
Cc: Jane Ahern; Stephen Clark; Brian Strack
Subject: Re: Colo Concession

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Subject: RE: Colo Concession

Jane

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Steve

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Young, Deirdre R

From: Levitt, Howard <howard_levitt@nps.gov>
Sent: Monday, October 07, 2013 1:42 PM
To: Michael Litterst
Cc: Frank Dean; Aaron Roth; Alexandra Picavet
Subject: Give me a call

HI Mike: Can you pls give me a call to help me craft a talking point that is consistent with other NPS units re a concessioner (restaurant adjoining City of SF property) who has chosen to reopen his operation. Media not on it yet, but prob will be soon. Thanks. Cell phone number is 415 725-8589. HL

--
Howard Levitt
Director of Communications and Partnerships
Golden Gate National Parks
howard_levitt@nps.gov
415-561-4730

Young, Deirdre R

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Saturday, October 05, 2013 4:12 PM
To: Holda, Cyndy
Cc: Reynolds, William; Stan Austin; Paul_Stevens; Margaret O'Dell; Shawn Benge; Darrell Echols; Mike Litterst
Subject: Re: DRAFT Talking Points - Avon Pier

Thanks to you guys for being on the ground and doing all the work - if we can offer a little bit o'help we are happy to do so!

On Sat, Oct 5, 2013 at 4:09 PM, Holda, Cyndy <cyndy_holda@nps.gov> wrote:
Thank you much Ladies and Gents!
We'll see what tomorrow brings.....

Cyndy M. Holda
Public Affairs Specialist
Outer Banks Group

On Sat, Oct 5, 2013 at 4:05 PM, Reynolds, William <william_f_reynolds@nps.gov> wrote:
Okay, I think this gets it - Revised Final Draft - incorporating Cyndy's and Sue's revisions.
Thanks to all for the quick turnaround!
Bill

On Sat, Oct 5, 2013 at 3:44 PM, Waldron, Suzanne <sue_waldron@nps.gov> wrote:
here you go

On Sat, Oct 5, 2013 at 3:36 PM, William Reynolds <william_f_reynolds@nps.gov> wrote:
Waiting for Sue's cmts. Will incorporate all changes then.
Bill

From: Holda, Cyndy [mailto:cyndy_holda@nps.gov]
Sent: Saturday, October 05, 2013 12:29 PM
To: Reynolds, William <william_f_reynolds@nps.gov>
Cc: Michael Litterst <mike_litterst@nps.gov>; Darrell Echols <darrell_echols@nps.gov>; Stan Austin <stan_austin@nps.gov>; Shawn Benge <shawn_benge@nps.gov>; Sue Waldron <Sue_Waldron@nps.gov>; David Horne <david_horne@nps.gov>
Subject: Re: DRAFT Talking Points - Avon Pier

Bill,
Will you make those changes?
And we're awaiting comments from Sue Waldron in WASO before proceeding.
Cyndy

On Sat, Oct 5, 2013 at 3:28 PM, Reynolds, William <william_f_reynolds@nps.gov> wrote:
Thanks, Mike! I like that.

Bill

On Sat, Oct 5, 2013 at 3:24 PM, Michael Litterst <mike_litterst@nps.gov> wrote:
Bill:

In similar situations at other parks we've explained the necessity of closures by saying something to the effect that "Keeping visitors out of national parks is not in our DNA. It is not our choice, but it is our obligation under federal law." That may help along with the "not fair to other concessioners" reasoning.

Mike

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

On Oct 5, 2013, at 2:59 PM, "Reynolds, William"
<william_f_reynolds@nps.gov> wrote:

> Please see attached for your review and comment prior to going final.
> I will incorporate recommended changes and issue a final.
> Thanks,
> Bill
>
> --
> William F. Reynolds
> Assistant Regional Director
> National Park Service Southeast Region
> 404-507-5612
>
> <CAHA - Avon Pier tlking pts - 100513.docx>

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

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Cyndy M. Holda
Public Affairs Specialist
Outer Banks Group
252-475-9034
252-216-6455 cell
252-473-2595 fax

--
Sue Waldron
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Young, Deirdre R

From: Reynolds, William <william_f_reynolds@nps.gov>
Sent: Saturday, October 05, 2013 4:05 PM
To: Waldron, Suzanne
Cc: Holda, Cyndy; Mike Litterst; Darrell Echols; Stan Austin; Shawn Benge; David Horne; Peggy O'Dell
Subject: Re: DRAFT Talking Points - Avon Pier
Attachments: CAHA - Avon Pier tlking pts - 100513_sue.docx

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Sent: Saturday, October 05, 2013 12:29 PM
To: Reynolds, William <william_f_reynolds@nps.gov>
Cc: Michael Litterst <mike_litterst@nps.gov>; Darrell Echols <darrell_echols@nps.gov>; Stan Austin <stan_austin@nps.gov>; Shawn Benge <shawn_benge@nps.gov>; Sue Waldron <Sue_Waldron@nps.gov>; David Horne <david_horne@nps.gov>
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Cape Hatteras National Seashore – Avon Pier
Talking Points
Saturday, October 5, 2013

(b) (5)

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Young, Deirdre R

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Saturday, October 05, 2013 3:49 PM
To: Kate Kelly; Blake Androff
Cc: Mike Litterst
Subject: Fwd: DRAFT Talking Points - Avon Pier
Attachments: CAHA - Avon Pier tlking pts - 100513_sue.docx

just an fyi - several issues in NC - this one is a concession pier

others seem to have settled to a simmer

---------- Forwarded message ----------
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Date: Sat, Oct 5, 2013 at 3:44 PM
Subject: Re: DRAFT Talking Points - Avon Pier
To: William Reynolds <william_f_reynolds@nps.gov>
Cc: "Holda, Cyndy" <Cyndy_Holda@nps.gov>, Mike Litterst <mike_litterst@nps.gov>, Darrell Echols <darrell_echols@nps.gov>, Stan Austin <stan_austin@nps.gov>, Shawn Benge <shawn_benge@nps.gov>, David Horne <david_horne@nps.gov>, Peggy O'Dell <Peggy_O'Dell@nps.gov>

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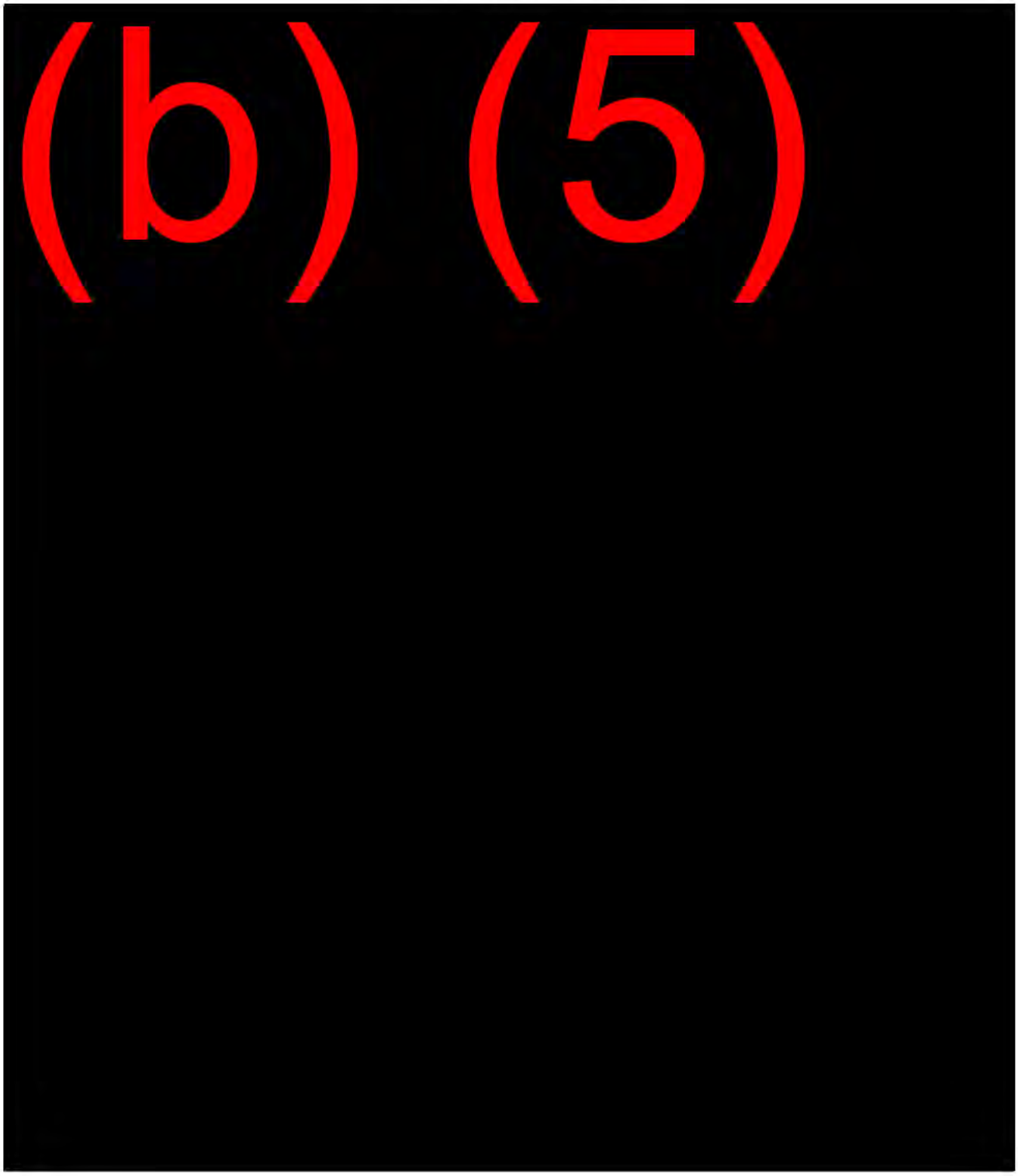
Cape Hatteras National Seashore – Avon Pier
Talking Points
Saturday, October 5, 2013



Young, Deirdre R

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Saturday, October 05, 2013 3:45 PM
To: William Reynolds
Cc: Holda, Cyndy; Mike Litterst; Darrell Echols; Stan Austin; Shawn Benge; David Horne; Peggy O'Dell
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Cc: Michael Litterst <mike_litterst@nps.gov>; Darrell Echols <darrell_echols@nps.gov>; Stan Austin <stan_austin@nps.gov>; Shawn Benge <shawn_benge@nps.gov>; Sue Waldron <Sue_Waldron@nps.gov>; David Horne <david_horne@nps.gov>
Subject: Re: DRAFT Talking Points - Avon Pier

Bill,
Will you make those changes?
And we're awaiting comments from Sue Waldron in WASO before proceeding.
Cyndy

On Sat, Oct 5, 2013 at 3:28 PM, Reynolds, William <william_f_reynolds@nps.gov> wrote:
Thanks, Mike! I like that.
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On Sat, Oct 5, 2013 at 3:24 PM, Michael Litterst <mike_litterst@nps.gov> wrote:
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Mike Litterst
Chief Spokesperson (Acting)
National Park Service
1849 C Street NW room 3310

Washington, D.C. 20240
202-513-0354 -office
202-306-4166 - mobile

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> <CAHA - Avon Pier tlking pts - 100513.docx>

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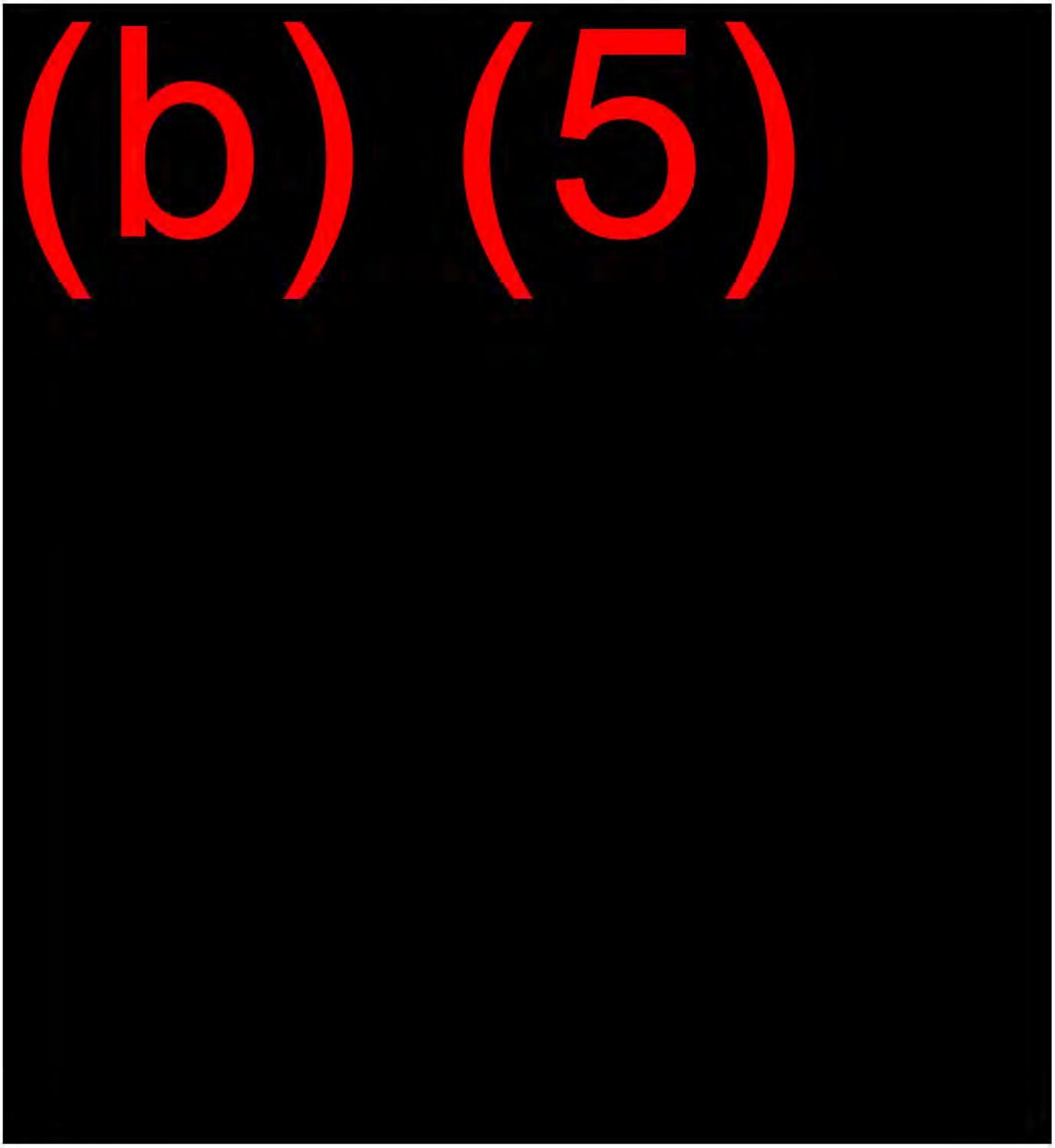
EXPERIENCE YOUR AMERICA

Cape Hatteras National Seashore – Avon Pier
Talking Points
Saturday, October 5, 2013



Young, Deirdre R

From: William Reynolds <william_f_reynolds@nps.gov>
Sent: Saturday, October 05, 2013 3:36 PM
To: Cyndy_Holda@nps.gov
Cc: mike_litterst@nps.gov; darrell_echols@nps.gov; stan_austin@nps.gov; shawn_benge@nps.gov; Sue_Waldron@nps.gov; david_horne@nps.gov
Subject: Re: DRAFT Talking Points - Avon Pier

Waiting for Sue's cmts. Will incorporate all changes then.
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252-216-6455 cell
252-473-2595 fax

Young, Deirdre R

From: Holda, Cyndy <cyndy_holda@nps.gov>
Sent: Saturday, October 05, 2013 3:30 PM
To: Reynolds, William
Cc: Michael Litterst; Darrell Echols; Stan Austin; Shawn Benge; Sue Waldron; David Horne
Subject: Re: DRAFT Talking Points - Avon Pier

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

From: Echols, Darrell <darrell_echols@nps.gov>
Sent: Saturday, October 05, 2013 3:25 PM
To: mike_litterst@nps.gov
Subject: Re: DRAFT Talking Points - Avon Pier

Because of the federal government shutdown I have been furloughed and cannot check email messages until the government re-opens.

--
Darrell L. Echols
Deputy Superintendent

Outer Banks Group - Cape Hatteras National Seashore, Wright Brothers National Memorial, and Fort Raleigh National Historic Site
1401 National Park Drive
Manteo, NC 27954

(office) (252) 475-9031
(fax) (252) 473-2595

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Young, Deirdre R

From: Michael Litterst <mike_litterst@nps.gov>
Sent: Saturday, October 05, 2013 3:25 PM
To: Reynolds, William
Cc: Cyndy Holda; Darrell Echols; Stan Austin; Shawn Benge; Sue Waldron; David Horne
Subject: Re: DRAFT Talking Points - Avon Pier

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Young, Deirdre R

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Saturday, October 05, 2013 3:16 PM
To: Holda, Cyndy
Cc: Reynolds, William; Darrell Echols; Stan Austin; Shawn Benge; Michael Litterst; David Horne
Subject: Re: DRAFT Talking Points - Avon Pier

hav a couple comments coming your way - please hold for a sec

On Sat, Oct 5, 2013 at 3:14 PM, Holda, Cyndy <cyndy_holda@nps.gov> wrote:
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Just a few edits and some deletions to keep it as simple as possible.
Thank you Bill very much for your assistance in simplifying and organizing our thoughts!

Please review and advise.
I'll contact the reporter and send our Buxton Rangers who will be contacting the pier manager as soon as I receive clearance from SERO.

Thank you,

Cyndy M. Holda
Public Affairs Specialist
252-475-9034 office
252-216-6455 cell

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EXPERIENCE YOUR AMERICA

Young, Deirdre R

From: Holda, Cyndy <cyndy_holda@nps.gov>
Sent: Saturday, October 05, 2013 3:15 PM
To: Reynolds, William
Cc: Darrell Echols; Stan Austin; Shawn Benge; Sue Waldron; Michael Litterst; David Horne
Subject: Re: DRAFT Talking Points - Avon Pier
Attachments: CAHA - Avon Pier tlking pts - 100513.docx

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Cape Hatteras National Seashore – Avon Pier
Talking Points
Saturday, October 5, 2013

1. The Avon Pier is a Federally-owned facility that operates as a concession under contract with the National Park Service. During the lapse in appropriations, all National Park units are operating with skeleton crews and are unable to accommodate visitors. As a result, all visitor services, facilities and activities, including those operated or provided by concessioners, are closed or suspended until funding is restored.

2. We know that many people who want to visit and fish off of the pier will be disappointed and we wish the circumstances were different. This is a very unfortunate situation and hundreds of other concession operators in national parks around the country are closed because of the lapse in funding. We wish we could make an exception in this case, but that would not be fair to the other operators and their employees who are also out of work right now.

3. We advised the Avon Pier on Tuesday, October 1, that all National Park visitor services, facilities and activities, including its concession operation, were required to close because of the Federal Government shutdown. (b) (5)

(b) (5)
.

5. Seashore management also determined that it would not cite the guests who were using the pier and, despite the violation, it would allow it to remain open for the rest of the day until its scheduled closure time of 10 p.m. this evening. Seashore management further notified pier management that the closure of the facility will be enforced beginning Sunday, October 6.

6. All other **Seashore** visitor facilities are closed.

7. Cape Hatteras National Seashore continues to have Park Rangers available to respond to public safety needs and to protect resources and park facilities. Seashore law enforcement continuously coordinates with local Fire and Sheriff's Departments for public health and safety.

8. We know that these closures are a great disappointment to many visitors and a hardship for all employees, including those of the concessioners, and we wish the situation was different.

Young, Deirdre R

From: Reynolds, William <william_f_reynolds@nps.gov>
Sent: Saturday, October 05, 2013 3:00 PM
To: Cyndy Holda; Darrell Echols; Stan Austin; Shawn Benge; Sue Waldron; Michael Litterst; David Horne
Subject: DRAFT Talking Points - Avon Pier
Attachments: CAHA - Avon Pier tlking pts - 100513.docx

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Cape Hatteras National Seashore – Avon Pier
DRAFT Talking Points
Saturday, October 5, 2013

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3. We advised the Avon Pier on Tuesday, October 1, that all National Park visitor services, facilities and activities, including its concession operation, were required to close because of the Federal Government shutdown. The guidance provided to the concession operator required the pier to close by 6 p.m. October 3, and they complied with that requirement and closed.

4. We found out this morning, Saturday, October 5, that the pier planned to reopen today. Cape Hatteras National Seashore officials notified pier management today, in writing, that they were in violation of the closure order.

5. Seashore management also determined that it would not cite the guests who were using the pier and, despite the violation, it would allow it to remain open for the rest of the day until its scheduled closure time of 10 p.m. this evening. Seashore management further notified pier management that the closure of the facility will be enforced beginning Sunday, October 6.

6. All other Seashore visitor facilities are closed. These include: ____ Visitor Centers, ____ picnic areas, _____ parking lots, lighthouses, etc.

7. Cape Hatteras National Seashore continues to have Park Rangers available to respond to public safety needs and to protect resources and park facilities. Seashore law enforcement continuously coordinates with local Fire and Sheriff's Departments for public health and safety.

8. We know that these closures are a great disappointment to many visitors and a hardship for all employees, including those of the concessioners, and we wish the situation was different.

Young, Deirdre R

From: Litterst, Michael <mike_litterst@nps.gov>
Sent: Friday, October 04, 2013 4:59 PM
To: Kerr, Amanda
Subject: Re: NPS Concessioners

Oops. Just saw you message. Good to talk to you anyway! Call if you need anything else.

Mike

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

Mike Litterst
Chief Spokesperson (acting)

National Park Service
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On Fri, Oct 4, 2013 at 4:55 PM, Kerr, Amanda <akerr@dailypress.com> wrote:

Thanks Mike,

Don't worry about finding some examples. I think I'm good to go. Thanks again for your help.

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Sent: Friday, October 04, 2013 4:14 PM
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Amanda:

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Mike

On Oct 4, 2013 12:02 PM, "Kerr, Amanda" <akerr@dailypress.com> wrote:

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Thanks for your help,

Amanda Kerr

Reporter, Daily Press

Newport News, Va.

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Reporter, Daily Press

Newport News, Va.

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Facebook: facebook.com/dpyorkpoquoson

Twitter: @DPYork_poquoson

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I don't know if you're working but I thought I would reach out to you in case you are since I have been unable to get in contact with anyone from the Colonial National Historical Park. I was wondering if you could provide any information regarding why concessioners renting NPS buildings but operating independent businesses are being closed as a result of the federal government shutdown? The Carrot Tree in Yorktown was closed but Congressman Wittman's office in Yorktown was allowed to remain open and I was wondering if the congressman is not considered a concessioner or has a different type of lease with the park service? Congressman Wittman sent a letter to Dan Smith as well as the NPS Legislative Affairs office asking Mr. Smith to allow businesses like Carrot Tree to reopen and I was wondering if that is possible under NPS policy? Any information you can provide would be appreciated. My deadline is today, Friday Oct. 4, at 5 p.m.

Thanks for your help,

Amanda Kerr

Reporter, Daily Press

Newport News, Va.

Phone: (757) 247-4733

Email: akerr@dailypress.com

Web: www.dailypress.com

www.dailypress.com/news/york-county

Facebook: facebook.com/dpyorkpoquoson

Twitter: @DPYork_poquoson

Young, Deirdre R

From: Kerr, Amanda <akerr@dailypress.com>
Sent: Friday, October 04, 2013 12:02 PM
To: Litterst, Michael
Subject: RE: NPS Concessioners

Hi Mike,

Good to hear from you too! I'm sure things are swamped for you right now, I appreciate you getting back with me. Anything you can do to clear up the policy of concessions versus leases would be great. And just so that I'm clear, the issue is that a concessioner is providing visitor services while a lessee is not and since the park is closed therefore other visitor services are closed, is that right? Can you give any examples of other park service lessees? I just want to be able to explain it clearly.

Thanks again,

Amanda

From: Litterst, Michael [mailto:mike_litterst@nps.gov]
Sent: Friday, October 04, 2013 11:56 AM
To: Kerr, Amanda
Subject: Re: NPS Concessioners

Amanda:

Good to hear from you; I am part of the skeleton staff working in the Washington office during the shutdown.

The commercial use of buildings in the National Park Service generally fall into two categories - concessions (to provide services to visitors) and leases. Concessions operations are required to close during the shutdown, while leases are not. I know Carrot Tree is a concession, I suspect the Congressman Wittman's office is set up as a lease (since they are not providing a visitor service). Let me confirm that, though, and get back to you before the end of the day.

Mike

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

Mike Litterst
Chief Spokesperson

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

On Fri, Oct 4, 2013 at 11:49 AM, Kerr, Amanda <akerr@dailypress.com> wrote:

Hi Mike,

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Facebook: facebook.com/dpyorkpoquoson

Twitter: @DPYork_poquoson

Young, Deirdre R

From: Litterst, Michael <mike_litterst@nps.gov>
Sent: Friday, October 04, 2013 11:56 AM
To: Kerr, Amanda
Subject: Re: NPS Concessioners

Amanda:

Good to hear from you; I am part of the skeleton staff working in the Washington office during the shutdown.

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EXPERIENCE YOUR AMERICA

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www.dailypress.com/news/york-county

Facebook: facebook.com/dpyorkpoquoson

Twitter: @DPYork_poquoson

Young, Deirdre R

From: Kerr, Amanda <akerr@dailypress.com>
Sent: Friday, October 04, 2013 11:49 AM
To: Mike_Litterst@nps.gov
Subject: NPS Concessioners

Hi Mike,

I don't know if you're working but I thought I would reach out to you in case you are since I have been unable to get in contact with anyone from the Colonial National Historical Park. I was wondering if you could provide any information regarding why concessioners renting NPS buildings but operating independent businesses are being closed as a result of the federal government shutdown? The Carrot Tree in Yorktown was closed but Congressman Wittman's office in Yorktown was allowed to remain open and I was wondering if the congressman is not considered a concessioner or has a different type of lease with the park service? Congressman Wittman sent a letter to Dan Smith as well as the NPS Legislative Affairs office asking Mr. Smith to allow businesses like Carrot Tree to reopen and I was wondering if that is possible under NPS policy? Any information you can provide would be appreciated. My deadline is today, Friday Oct. 4, at 5 p.m.

Thanks for your help,

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Newport News, Va.
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www.dailypress.com/news/york-county
Facebook: facebook.com/dpyorkpoquoson
Twitter: @DPYork_poquoson

Young, Deirdre R

From: Litterst, Michael <mike_litterst@nps.gov>
Sent: Thursday, October 03, 2013 5:28 PM
To: Stephen Dinan
Subject: Re: Washington Times inquiry: treatment of concessions and leases in NPS property

Interesting; I mistakenly presumed Army Corps sites were in the clear.

I obviously can't speak to their decision process in allowing some sites to be open while others are closed. For the National Park Service, it's a matter that we consider the National Park System to be a single entity, and without an appropriation the entire system is closed and cannot reopen until funding is restored. We do not believe it is appropriate or feasible to have some parts of the system open while others are closed to the public.

Additionally, the extremely limited resources currently at our disposal (approximately 3,000 employees working with more than 20,000 furloughed) are concentrating their efforts on the protection of life and property; we simply don't have the capacity to provide visitor services, like campgrounds.

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

On Thu, Oct 3, 2013 at 4:09 PM, Stephen Dinan <sdinan@washingtontimes.com> wrote:

Thanks for this, it's very helpful.

One followup — the Army Corps shutdown guidance suggests that they are, in fact, affected by the shutdown and that they have made case-by-case decisions on what recreation areas need to close and what can remain open. That would be different than the blanket NPS policy. Any chance you can help me square that with the information you received?

Here's their guidance:
~~~~~~~~~~~~~~~~~~~~

http://www.usace.army.mil/Media/NewsArchive/tabid/204/Article/18719/us-army-corps-of-engineers-prepare-for-october-1-closures-of-usace-operated-cam.aspx

Thanks again, I know you are swamped and I appreciate the help.

Stephen

On Oct 3, 2013, at 3:48 PM, Litterst, Michael wrote:

Stephen:

As far as your first questions, for the purposes of the shutdown there is a differentiation between concessions and leases on NPS property. Concessions operations are required to close; leases are permitted to remain open. The two properties you mention, the Inn at Cavallo Point and the Argonaut Hotel, are managed under leases and therefore permitted to remain open.

As far as marinas, the Army Corps of Engineers falls under the Department of Defense, a department which has not had a lapse in their appropriations and therefore not required to shut down. Army Corps marinas are open, as are all Army Corps properties and everything else managed by the Department of Defense.

The concessions operations in each park will reopen when the lapse in appropriations end and we are able to reopen our parks.

Mike

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EXPERIENCE YOUR AMERICA

On Thu, Oct 3, 2013 at 2:12 PM, Stephen Dinan <sdinan@washingtontimes.com> wrote:
Hi Mike,

I know you are swamped — I was hoping you might be able to help me with some of the questions surrounding
~~~~~~~~~~~~~~~~~~~

how concessions are being treated in NPS property. I've seen the reports about concessions that say they were allowed to remain open in the 1996 shutdown but have been required to close this time. Meanwhile, there are others (including two high-profile ones in San Francisco, the Inn at Cavallo Point and the Argonaut Hotel) that are open, though it's unclear why they are different.

I'm also told that you all have closed down marinas on NPS property, while the Army Corps has decided the ones on their property can remain open. Can you help me with the discrepancy?

Any sense that you will revisit some of these decisions? I'm sure you've seen the criticism from folks, including members of Congress and in particular House Natural Resources Committee Chairman Doc Hastings that the administration is trying to make the shutdown more painful than it has to be, and any reaction or comment you have on that would be great as well.

thanks,

Stephen

Stephen Dinan
Washington Times
202 488 0643
sdinan@washingtontimes.com

--
The information contained in this electronic transmission is intended for the exclusive use of the individuals to whom it is addressed and may contain information that is privileged and confidential, the disclosure of which is prohibited by law. If the reader of this transmission is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. In addition, any unauthorized copying, disclosure or distribution of the material in this e-mail and any attachments is strictly forbidden.

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Young, Deirdre R

From: Stephen Dinan <sdinan@washingtontimes.com>
Sent: Thursday, October 03, 2013 4:09 PM
To: Litterst, Michael
Subject: Re: Washington Times inquiry: treatment of concessions and leases in NPS property

Thanks for this, it's very helpful.

One followup — the Army Corps shutdown guidance suggests that they are, in fact, affected by the shutdown and that they have made case-by-case decisions on what recreation areas need to close and what can remain open. That would be different than the blanket NPS policy. Any chance you can help me square that with the information you received?

Here's their guidance:

http://www.usace.army.mil/Media/NewsArchive/tabid/204/Article/18719/us-army-corps-of-engineers-prepare-for-october-1-closures-of-usace-operated-cam.aspx

Thanks again, I know you are swamped and I appreciate the help.

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On Oct 3, 2013, at 3:48 PM, Litterst, Michael wrote:

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Mike

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Mike Litterst
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EXPERIENCE YOUR AMERICA

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thanks,

Stephen

Stephen Dinan
Washington Times
202 488 0643
sdinan@washingtontimes.com

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Young, Deirdre R

From: Litterst, Michael <mike_litterst@nps.gov>
Sent: Thursday, October 03, 2013 3:49 PM
To: Stephen Dinan
Subject: Re: Washington Times inquiry: treatment of concessions and leases in NPS property

Stephen:

As far as your first questions, for the purposes of the shutdown there is a differentiation between concessions and leases on NPS property. Concessions operations are required to close; leases are permitted to remain open. The two properties you mention, the Inn at Cavallo Point and the Argonaut Hotel, are managed under leases and therefore permitted to remain open.

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thanks,

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Stephen Dinan
Washington Times
202 488 0643
sdinan@washingtontimes.com

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Young, Deirdre R

From: Litterst, Michael <mike_litterst@nps.gov>
Sent: Thursday, October 03, 2013 2:23 PM
To: Stephen Dinan
Subject: Fwd: Washington Times inquiry: treatment of concessions and leases in NPS property

Stephen:

Yes, we're swamped (actually, it's just "I'm swamped" - the other five people who normally assist me have been furloughed) and many of those who can help provide background and answer questions are likewise not in. But let me see what I can find and get back to you.

Mike

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

Mike Litterst
Chief Spokesperson (acting)

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Washington, DC 20240
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Cell: (202) 306-4166

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---------- Forwarded message ----------
From: **Stephen Dinan** <sdinan@washingtontimes.com>
Date: Thu, Oct 3, 2013 at 2:12 PM
Subject: Washington Times inquiry: treatment of concessions and leases in NPS property
To: mike_litterst@nps.gov

Hi Mike,

I know you are swamped — I was hoping you might be able to help me with some of the questions surrounding how concessions are being treated in NPS property. I've seen the reports about concessions that say they were allowed to remain open in the 1996 shutdown but have been required to close this time. Meanwhile, there are others (including two high-profile ones in San Francisco, the Inn at Cavallo Point and the Argonaut Hotel) that are open, though it's unclear why they are different.

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Young, Deirdre R

From: Stephen Dinan <sdinan@washingtontimes.com>
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Young, Deirdre R

From: Suzanne Waldron <sue_waldron@nps.gov>
Sent: Wednesday, October 16, 2013 9:23 AM
To: Kate Kelly; Blake Androff
Cc: Mike Litterst
Subject: Fwd: Concessionaire

Did the statementon this grt pk'd

Sent from my iPhone

Begin forwarded message:

> **From:** "O'Dell, Margaret" <peggy_o'dell@nps.gov>
> **Date:** October 16, 2013, 8:53:27 AM EDT
> **To:** Lena McDowall <Lena_McDowall@nps.gov>, Sue Waldron <sue_waldron@nps.gov>
> **Subject: Fwd: Concessionaire**
>
> ---------- Forwarded message ----------
> From: **Tim Fullerton** <tim_fullerton@ios.doi.gov>
> Date: Wed, Oct 16, 2013 at 8:42 AM
> Subject: Re: Concessionaire
> To: "Kelly, Katherine" <kate_kelly@ios.doi.gov>
> Cc: Nicole Buffa <nicole_buffa@ios.doi.gov>, Peggy O'Dell <peggy_o'dell@nps.gov>, Maureen Foster <maureen_foster@nps.gov>, Blake Androff <blake_androff@ios.doi.gov>, Laura Davis <Laura_Davis@ios.doi.gov>
>
> Got it. Will post this morning.
>
> Sent from my iPhone
>
> On Oct 16, 2013, at 8:38 AM, "Kelly, Katherine" <kate_kelly@ios.doi.gov> wrote:
>
> > Great - we'll post this morning on the shutdown page. Tim - please note that the update should be dated 10/11 and can go under the NPS part
> >
> > On Wed, Oct 16, 2013 at 8:28 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
> > Is our new policy up now? I'm good.
>
> --
>
> Kate Kelly
> Director of Communications

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

<Concessions Amendment to Closure Notice 2013-10-11.pdf>

Young, Deirdre R

From: Kelly, Katherine <kate_kelly@ios.doi.gov>
Sent: Wednesday, October 30, 2013 11:35 PM
To: Suzanne Waldron
Cc: Litterst, Michael
Subject: Re: help on fact-checking, please

thanks

On Wed, Oct 30, 2013 at 11:32 PM, Suzanne Waldron <sue_waldron@nps.gov> wrote:
No response yet and going to sleep since the cards just lost to the sox...

Will followup and get you an answer in morning

Sue Waldron
Assistant Director, Communications
National Park Service

Sent from my iPad

On Oct 30, 2013, at 11:03 PM, "Kelly, Katherine" <kate_kelly@ios.doi.gov> wrote:

> 1pm
>
> But we're obviously wanting to wrap final edits in the ay-em.
>
> Thanks!

> On Wed, Oct 30, 2013 at 10:56 PM, Suzanne Waldron <sue_waldron@nps.gov> wrote:
> Sent note - will see if we hear back tonite. What time is her speech tomorrow?
>
> Sue Waldron
> Assistant Director, Communications
> National Park Service
>
> Sent from my iPad
>
> On Oct 30, 2013, at 10:45 PM, "Kelly, Katherine" <kate_kelly@ios.doi.gov> wrote:
>
> > thank you

On Wed, Oct 30, 2013 at 10:44 PM, Suzanne Waldron <sue_waldron@nps.gov> wrote:
Ill contact derrick

Sue Waldron
Assistant Director, Communications
National Park Service

Sent from my iPad

On Oct 30, 2013, at 10:40 PM, "Litterst, Michael" <mike_litterst@nps.gov> wrote:

> Did you hear back or would you like me to try and track this down?
>
> On Oct 30, 2013 10:37 PM, "Kelly, Katherine" <kate_kelly@ios.doi.gov> wrote:
> fyi here, too.
>
> ---------- Forwarded message ----------
> From: **Kelly, Katherine** <kate_kelly@ios.doi.gov>
> Date: Wed, Oct 30, 2013 at 10:18 PM
> Subject: Re: help on fact-checking, please
> To: maureen foster <Maureen_Foster@nps.gov>
>
> Hi Maureen! Circling back. Sorry to bother here, but Sally has asked for follow up on whether we can confirm with Delaware North.
>
> let me know what I can do to help.
>
> On Wed, Oct 30, 2013 at 1:38 PM, Kelly, Katherine <kate_kelly@ios.doi.gov> wrote:
> Maureen - this line is currently in the speech... but since it's based on a conversation that the Secretary had over this past weekend, I want to make sure that Delaware North is on board with this if the characterization.
>
> Is this something you could help me figure out this afternoon?
>
> In a visit to Shenandoah National Park last weekend, I talked to a concessionaire who estimates their business lost $2 million in revenue from the closure in that park alone – revenue that can't be made up ever.

--

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

--

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

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Young, Deirdre R

From: Suzanne Waldron <sue_waldron@nps.gov>
Sent: Wednesday, October 30, 2013 11:32 PM
To: Kelly, Katherine
Cc: Litterst, Michael
Subject: Re: help on fact-checking, please

No response yet (b) (6) ...

Will followup and get you an answer in morning

Sue Waldron
Assistant Director, Communications
National Park Service

Sent from my iPad

On Oct 30, 2013, at 11:03 PM, "Kelly, Katherine" <kate_kelly@ios.doi.gov> wrote:

> 1pm
>
> But we're obviously wanting to wrap final edits in the ay-em.
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> > Sue Waldron

Assistant Director, Communications
National Park Service

Sent from my iPad

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Department of the Interior

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Young, Deirdre R

From: Kelly, Katherine <kate_kelly@ios.doi.gov>
Sent: Wednesday, October 30, 2013 11:03 PM
To: Suzanne Waldron
Cc: Litterst, Michael
Subject: Re: help on fact-checking, please

1pm

But we're obviously wanting to wrap final edits in the ay-em.

Thanks!

On Wed, Oct 30, 2013 at 10:56 PM, Suzanne Waldron <sue_waldron@nps.gov> wrote:
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Sue Waldron
Assistant Director, Communications
National Park Service

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Young, Deirdre R

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Sent: Wednesday, October 30, 2013 10:57 PM
To: Kelly, Katherine
Cc: Litterst, Michael
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Young, Deirdre R

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Young, Deirdre R

From: Litterst, Michael <mike_litterst@nps.gov>
Sent: Wednesday, October 30, 2013 10:41 PM
To: Kate Kelly
Cc: Mike; Sue Waldron
Subject: Re: Fwd: help on fact-checking, please

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Young, Deirdre R

From: Ahern, Jane <jane_ahern@nps.gov>
Sent: Monday, September 30, 2013 2:35 PM
To: Melissa Kuckro
Cc: Michael Litterst; Michael Caldwell
Subject: Fwd: Acadia talking points

Melissa: Just wanted you to have the latest info on the ACAD contract and calls from staffers. Local media interest is still on the contract, but light. Congressional calls fielded by Jonathan Meade and Ethan McKinley have been moderate. Here is what the new concessioner, Ortega, had to say regarding calls they rec'd.

Mike L: Just keeping you in the loop.

Jane

---------- Forwarded message ----------
From: **McKinley, Ethan** <ethan_mckinley@nps.gov>
Date: Mon, Sep 30, 2013 at 2:30 PM
Subject: Fwd: Acadia talking points
To: Jane Ahern <jane_ahern@nps.gov>, Jonathan Meade <jonathan_meade@nps.gov>

FYI. Latest from new concessioner @ ACAD.

Ethan McKinley
Chief of Commercial Services

Office: 215.597.4943
Cell: 215.341.0032

Northeast Region
National Park Service
200 Chestnut St.
Philadelphia, PA 19106

Let us know how we are doing!
Send your comments to: NERO_Customer_Feedback@nps.gov

---------- Forwarded message ----------
From: **Shane Ortega** (b)(6) >
Date: Mon, Sep 30, 2013 at 2:29 PM
Subject: Acadia talking points
To: Ethan McKinley <Ethan_McKinley@nps.gov>, Tom Williamson <t(b)(6) >

Hi Ethan,

I'm sure you have your hands full. I've been fielding calls from Congressional staffers, newspapers, radio etc.

I'm trying to stay on the following points.

- Acadia Corp and Dave Woodside are best in class. They really raised the bar and we salute them. We are going to build on what they did, and we hope it helps the park and the local economy.

- In EVERY park location we have taken over, we have made offers of employment to everyone (except owners) and have paid them a little more than they have previosuly made, both in wages and in benefits. This is true, to a park (not sure if Ethan know this) because it is often the right thing to do.

- We will be making offers of employment to everyone who works at Acadia and who wants to work with us (I'm silent right now on the wage issue, just because I don't know current wages, so maybe I ought to tone down my rhetoric until I know).

- We believe that we will more than double the number of local vendors, artists, farmers, and suppliers that Acadia Corp currently uses. This is no small task since Acadia Corp is so supportive of the local community already.

- We haven't made pro-active outreach to employees or vendors yet because we need to work with Mr. Woodside and the NPS to make sure that we tread softly and don't step on anyones toes.

- We will really try to be good neighbors. We will make some mistakes, but we will try to learn from them and to build on what Acadia Corp already does so well.

That's about it.

--
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
The information contained in this message is intended only for the personal and confidential use of the recipient(s) named above. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately, and delete the original message.

Young, Deirdre R

From: Androff, Blake <blake_androff@ios.doi.gov>
Sent: Tuesday, October 15, 2013 3:10 PM
To: Suzanne Waldron; Michael Litterst
Cc: Katherine Kelly; Nicole Buffa; Tim Fullerton; Kevin Haugrud
Subject: Concessionaire Policy
Attachments: NPS Policy on Concessionaire Contract Review (SOL final) (1).docx

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

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

Young, Deirdre R

From: Haugrud, Kevin <jack.haugrud@sol.doi.gov>
Sent: Tuesday, October 15, 2013 3:24 PM
To: Androff, Blake
Cc: Suzanne Waldron; Michael Litterst; Katherine Kelly; Nicole Buffa; Tim Fullerton
Subject: Re: Concessionaire Policy

Maureen just sent us the signed version. Will forward

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Blake

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

Young, Deirdre R

From: Blake Androff <blake_androff@ios.doi.gov>
Sent: Monday, October 14, 2013 5:39 PM
To: Joe Smillie
Cc: doi_shutdown@ios.doi.gov; Michael Litterst
Subject: Re:

Looping in Mike Litterst with the National Lark Service.

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

On Oct 14, 2013, at 5:13 PM, Joe Smillie <jsmillie@peninsuladailynews.com> wrote:

> Hello,
> My name is Joe Smillie. I am a reporter for the Peninsula Daily News in Port Angeles, Wash. Kalaloch Lodge, at Ruby Beach in Olympic National Park, re-opened Sunday. I spoke with the concessionaire, Delaware North Companies, about it, but they could not tell me why they were ordered to close and then allowed to re-open.
>
> So..
> That's what I'm asking you.
>
> Why was Kalaloch Lodge closed? And why was it allowed to re-open?
> Who makes that decision? How do they determine what is allowed to re-open and what must stay closed?
> The beach is still closed, as are the hiking trails around the lodge. Why open the lodge if its amenities are still off limits?
>
> Also, I know the Lake Crescent Lodge is still closed until the shutdown ends.
> What is the distinction?
>
> Thank you for your time.
> You may respond by email or by phone to 360-681-2390, ext. 5052.
>
> Regards,
> Joe Smillie

--

Joe Smillie
Reporter
Office: 360-681-2390, Ext. 5052
Internal: 53-5052

Fax: 360-681-2392
147B West Washington Sequim, WA 98382

Sound Publishing, Inc.

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Young, Deirdre R

From: Suzanne Waldron <sue_waldron@nps.gov>
Sent: Saturday, October 12, 2013 11:31 AM
To: Dalby, Craig; Lena McDowall
Cc: Michael Litterst
Subject: Re: Concessions opening at closed parks

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

Young, Deirdre R

From: Dalby, Craig <craig_dalby@nps.gov>
Sent: Saturday, October 12, 2013 10:43 AM
To: Suzanne Waldron; Michael Litterst
Subject: Concessions opening at closed parks

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?

--

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

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
Subject: Media Inquiry
To: <mike_litterst@nps.gov>
Cc:

Dear Mr. Litterst,

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Best,
Natalie

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

Young, Deirdre R

From: Natalie Rodriguez <natalie.rodriguez@law360.com>
Sent: Friday, October 11, 2013 11:35 AM
To: mike_litterst@nps.gov
Subject: Media Inquiry

Dear Mr. Litterst,

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Best,
Natalie

--
Natalie Rodriguez
Senior Reporter

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

Young, Deirdre R

From: Gordon Wissinger <gordon_wissinger@nps.gov>
Sent: Tuesday, October 15, 2013 1:16 AM
To: Shawn Benge
Subject: Fwd:
Attachments: Deputy Regional Director.Chief of Staff Southeast Region 10.14.13.pdf

Shawn
I just got to GRSM
This is the letter that will need addressed today

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

Begin forwarded message:

> **From:** "William B. Stokely IV" <WStokely@stokelyhospitality.com>
> **Date:** October 14, 2013, 5:18:14 PM EDT
> **To:** "gordon_wissinger@nps.gov" <gordon_wissinger@nps.gov>
> **Cc:** "Jonathan B. Jarvis (jon_jarvis@nps.gov)" <jon_jarvis@nps.gov>, "Margaret O'Dell (peggy_o'dell@nps.gov)" <peggy_o'dell@nps.gov>, "Lena McDowell (lena_mcdowall@nps.gov)" <lena_mcdowall@nps.gov>, "Stan Austin (stan_austin@nps.gov)" <stan_austin@nps.gov>, "Dale Ditmanson (dale_ditmanson@nps.gov)" <dale_ditmanson@nps.gov>, "Patty Wissinger (patty_wissinger@nps.gov)" <patty_wissinger@nps.gov>, "Joel Ossoff (joel_ossoff@nps.gov)" <joel_ossoff@nps.gov>, "clayton_jordan@nps.gov" <clayton_jordan@nps.gov>, "aisaltman@smithcurrie.com" <aisaltman@smithcurrie.com>, "janet.mcgaha@tn.gov" <janet.mcgaha@tn.gov>, "janet@billhaslam.com" <janet@billhaslam.com>

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WILLIAM B. STOKELY, IV
250 Apple Valley Road
Sevierville, TN 37862
865/429-5700

October 14, 2013

To: "Wissinger, Gordon" <gordon_wissinger@nps.gov>
Gordon Wissinger
Deputy Regional Director/Chief of Staff
Southeast Region
National Park Service

Dear Mr. Wissinger.
I am in receipt of your e-mail of October 12, 2013. Indicating that use or operation of Leconte Lodge would be a violation of the Director Jarvis's order closing all units of the National Park System to public visitation closure order and that if we were to keep LeConte Lodge open that we would be in default our concession contract.

Your e-mail fails to acknowledge that, as applicable here, the government shutdown simply prevents the government from paying non-essential personnel from providing services that would otherwise normally be provided but that just as with the Pisgah Inn (and other Park Service concessioners who have been allowed to continue operations) LeConte Lodge is wholly self-sufficient.

The point of this e-mail is not to argue this point (particularly since I presume that you do not agree with me) rather, I write to propose a solution. That is, to the extent that you reasonably believe that the proper operation of LeConte Lodge does require services of non-essential Park Service personnel, much like the states of Utah, Arizona and New York have been allowed to do, we would be willing to put sufficient cash in a trust account from which the NPS could draw to cover the cost of those employees whose services are necessary for us to operate. This would of course be only used in case the state of Tennessee or the Federal Government does not re-open prior to or during the time which the lodge would be open or until the end of the 2013 season.

Quite frankly, I see this proposal as a win, win, win proposition Our guests would again be allowed to use our facilities, a few more Park Service employees would be able to go back to work, franchise fees would be generated for the Park and the communities around our lodge will benefit as well.

I would ask you to get back to me as soon as possible so that we can discuss the details of this eminently practical solution to the problem that we both face. I can be reached at (865) 429-5700 ext 21. I look forward to discussing this proposal soon.

Sincerely,

William B. Stokely, IV

cc: Jonathan B. Jarvis, Director, National Park Service (jon_jarvis@nps.gov)
Margaret O'Dell, Deputy Directory (peggy_o'dell@nps.gov)
Lena McDowall, Associate Director (lena_mcdowall@nps.gov)
Stan Austin, Regional Director Southeast (stan_austin@nps.gov)
Dale Ditmanson, Superintendent GRSM (dale_ditmanson@nps.gov)
Patty Wissinger, Deputy Superintendent GRSM (patty_wissiger@nps.gov)
Joel Ossoff, Concessions Management Specialist GRSM (joel_osoff@nps.gov)
Clayton Jordan, Chief Ranger GRSM (clayton_jordan@nps.gov)
Alan Saltman, Attorney (aisaltman@smithcurrie.com)
Governor Bill Haslam (janet.mcgaha@tn.gov, janet@billhaslam.com)
Senator Lamar Alexander (fax: 202-228-3398)
Senator Bob Corker (fax: 202-228-0566)
Congressman John Duncan (fax: 202-225-6440)
Congressman Phil Roe (fax: (fax: 202-225-5714)

Young, Deirdre R

From: Mills, Marianne <marianne_mills@nps.gov>
Sent: Thursday, October 17, 2013 10:00 AM
To: Stan Austin; Gordon Wissinger; Shawn Benge
Subject: FYI - Potential BLRI FOIA

Steve Stinnett just gave me a heads up to expect a FOIA from the Tea Party attendees at the Pisgah Inn last week

Marianne M. Mills
Public Affairs Specialist
Southeast Region, NPS
100 Alabama Street SW
1924 Building
(404) 507-5613
(404) 562-3263 FAX
marianne_mills@nps.gov
http://share.inside.nps.gov/sites/SER/COMM/default.aspx Sharepoint

Young, Deirdre R

From: Mark Woods <mark_woods@nps.gov>
Sent: Saturday, October 05, 2013 9:06 AM
To: Reynolds, William
Cc: Shawn Benge; David Horne
Subject: Re: Pisgah

Received. The first point is a key point for all. Thanks

Mark H. Woods
Superintendent
Blue Ridge Parkway

Sent from my iPad

On Oct 5, 2013, at 9:01 AM, "Reynolds, William" <william_f_reynolds@nps.gov> wrote:

> thanks. just sent some updated talking points for today.
>
> On Sat, Oct 5, 2013 at 8:48 AM, Mark Woods <mark_woods@nps.gov> wrote:
> Dana is on the ground and enroute to Pisgah. All quiet last night.
> Discussed USA today and talking points with Dana and Steve. Will keep
> you posted of developments.
>
> Mark H. Woods
> Superintendent
> Blue Ridge Parkway
>
> Sent from my iPad
>
> --
> 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: Saturday, October 05, 2013 9:02 AM
To: Mark Woods
Cc: Shawn Benge; David Horne
Subject: Re: Pisgah

thanks. just sent some updated talking points for today.

On Sat, Oct 5, 2013 at 8:48 AM, Mark Woods <mark_woods@nps.gov> wrote:
Dana is on the ground and enroute to Pisgah. All quiet last night.
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you posted of developments.

Mark H. Woods
Superintendent
Blue Ridge Parkway

Sent from my iPad

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

Young, Deirdre R

From: Mark Woods <mark_woods@nps.gov>
Sent: Saturday, October 05, 2013 8:50 AM
To: Horne, David
Cc: Shawn Benge; Charles Cuvelier; William Reynolds; Steve Stinnett
Subject: Re: Pisgah Briefing

Thank you. 1100 it is.

Mark H. Woods
Superintendent
Blue Ridge Parkway

Sent from my iPad

On Oct 5, 2013, at 8:48 AM, "Horne, David" <david_horne@nps.gov> wrote:

> Mark,
>
> We had to change due to our Tropical Storm Karen meeting at 1000.
>
> ---
>
> David Horne
> Chief Ranger (acting)
> Southeast Region
> National Park Service
>
> Office: 404-507-5622
> Mobile: 303-726-5841
>
> On Sat, Oct 5, 2013 at 8:45 AM, Mark Woods <mark_woods@nps.gov> wrote:
> Shawn had advised 1000. ?
>
> Sent from my iPhone
>
> On Oct 5, 2013, at 8:44 AM, David Horne <david_horne@nps.gov> wrote:
>
> > You have been invited to the following event.
> >
> > Title: Pisgah Briefing
> > Is this a good time to meet for an update on the Pisgah Inn Situation?
> > Steve, I don't have your PIO's names so would you mind getting this invite
> > to them?
> >
> > 1. Update on current situation
> > 2. Next steps/actions
> > 3. Press

>
> Call in: Non-responsive
> Pass Code:
>
> Thanks!
> When: Sat Oct 5, 2013 11am – 12pm Eastern Time
> Calendar: mark_woods@nps.gov
> Who:
> * David Horne - organizer
> * Shawn Benge
> * Charles Cuvelier
> * William Reynolds
> * Steve Stinnett
> * Mark Woods
>
> Event details:
>

Non-responsive

>
> Invitation from Google Calendar: https://www.google.com/calendar/
>
> You are receiving this email at the account mark_woods@nps.gov because you
> are subscribed for invitations on calendar mark_woods@nps.gov.
>
> To stop receiving these notifications, please log in to
> https://www.google.com/calendar/ and change your notification settings for
> this calendar.
> <Pisgah Briefing>

Young, Deirdre R

From: Horne, David <david_horne@nps.gov>
Sent: Saturday, October 05, 2013 8:49 AM
To: Mark Woods
Cc: Shawn Benge; Charles Cuvelier; William Reynolds; Steve Stinnett
Subject: Re: Pisgah Briefing

Mark,

We had to change due to our Tropical Storm Karen meeting at 1000.

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

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

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Sent from my iPhone

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> Call in: Non-responsive
> Pass Code: [redacted]
>
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> When: Sat Oct 5, 2013 11am – 12pm Eastern Time
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> Who:
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> * Shawn Benge
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> <Pisgah Briefing>

Young, Deirdre R

From: Mark Woods <mark_woods@nps.gov>
Sent: Saturday, October 05, 2013 8:49 AM
To: Shawn Benge; William Reynolds; David Horne
Subject: Pisgah

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Mark H. Woods
Superintendent
Blue Ridge Parkway

Sent from my iPad

Young, Deirdre R

From: Mark Woods <mark_woods@nps.gov>
Sent: Saturday, October 05, 2013 8:45 AM
To: David Horne
Cc: Shawn Benge; Charles Cuvelier; William Reynolds; Steve Stinnett
Subject: Re: Pisgah Briefing

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Sent from my iPhone

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> Calendar: mark_woods@nps.gov
> Who:
> * David Horne - organizer
> * Shawn Benge
> * Charles Cuvelier
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> Event details:

Non-responsive

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> https://www.google.com/calendar/ and change your notification settings

> for this calendar.
> <Pisgah Briefing>

Young, Deirdre R

From: Mark Woods <mark_woods@nps.gov>
Sent: Saturday, October 05, 2013 8:36 AM
To: Shawn Benge; William Reynolds
Subject: Fwd: Pisgah Inn Facebook Posts

Mark H. Woods
Superintendent
Blue Ridge Parkway

Sent from my iPad

Begin forwarded message:

> **From:** "Micale, Matt" <matt_micale@nps.gov>
> **Date:** October 5, 2013, 8:29:18 AM EDT
> **To:** Mark Woods <mark_woods@nps.gov>, Kirby Styles <kirby_styles@nps.gov>, David Horne <david_horne@nps.gov>
> **Cc:** Steve Stinnett <Steve_Stinnett@nps.gov>
> **Subject: Pisgah Inn Facebook Posts**
>
> Steve asked me to send you this link to show what Bruce is posting on the Pisgah Inn Facebook page.
>
> https://www.facebook.com/pages/Pisgah-Inn/64363295664
>
> Thanks,
> Matt
>
> --
> Matt Micale
> Blue Ridge Parkway
> (828)298-2491
> (828)298-6439 (fax)
>
> *"If everyone is thinking alike, then somebody isn't thinking."* - George S. Patton

Young, Deirdre R

From: Margaret O'Dell <peggy_o'dell@nps.gov>
Sent: Saturday, October 05, 2013 7:37 AM
To: Shawn Benge
Cc: Cam Sholly; Jonathan Jarvis; Maureen Foster; Sue_Waldron@nps.gov; Michael Litterst; David Horne; Charles Cuvelier
Subject: Re: BLRI

Thanks Shawn. Let us know if you need to talk. Plan to use RHE call in below if needed

Non-responsive
Code Non-responsive

Sent from my iPhone

On Oct 5, 2013, at 7:28 AM, Shawn Benge <shawn_benge@nps.gov> wrote:

> Lots of misinformation, but our messaging needs work. I'm on it.
>
> Sent from my iPhone
>
> On Oct 4, 2013, at 10:13 PM, Cam Sholly <cam_sholly@nps.gov> wrote:
>
> > FYI.
> >
> > _____
> > Cameron Sholly
> > Associate Director
> > National Park Service
> > Visitor and Resource Protection
> > (202) 565-1020-w
> > (202) 501-1287-f
> >
> > Sent Wirelessly
> >
> > Begin forwarded message:
> >
> > **From:** Cam Sholly <cam_sholly@nps.gov>
> > **Date:** October 4, 2013 at 10:10:45 PM EDT
> > **To:** Cam Sholly <Cam_Sholly@nps.gov>
> >
> > http://www.usatoday.com/story/news/nation/2013/10/04/blue-ridge-parkway-pisgah-inn/2923169/

Young, Deirdre R

From: Shawn Benge <shawn_benge@nps.gov>
Sent: Saturday, October 05, 2013 7:30 AM
To: William Reynolds
Subject: Fwd: BLRI

Sent from my iPhone

Begin forwarded message:

> **From:** Shawn Benge <shawn_benge@nps.gov>
> **Date:** October 5, 2013, 7:28:06 AM EDT
> **To:** Cam Sholly <cam_sholly@nps.gov>
> **Cc:** Jonathan Jarvis <Jon_Jarvis@nps.gov>, "Peggy_O'Dell@nps.gov" <Peggy_O'Dell@nps.gov>, Maureen Foster <Maureen_Foster@nps.gov>, "Sue_Waldron@nps.gov" <Sue_Waldron@nps.gov>, Michael Litterst <Mike_Litterst@nps.gov>, David Horne <david_horne@nps.gov>, Charles Cuvelier <Charles_Cuvelier@g-nps.doi.gov>
> **Subject: Re: BLRI**
>
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>
> Sent from my iPhone
>
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> >
> > _____
> > Cameron Sholly
> > Associate Director
> > National Park Service
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> >
> > Sent Wirelessly
> >
> > Begin forwarded message:
> >
> > > **From:** Cam Sholly <cam_sholly@nps.gov>
> > > **Date:** October 4, 2013 at 10:10:45 PM EDT
> > > **To:** Cam Sholly <Cam_Sholly@nps.gov>

http://www.usatoday.com/story/news/nation/2013/10/04/blue-ridge-parkway-pisgah-inn/2923169/

Young, Deirdre R

From: Shawn Benge <shawn_benge@nps.gov>
Sent: Saturday, October 05, 2013 7:28 AM
To: Cam Sholly
Cc: Jonathan Jarvis; Peggy_O'Dell@nps.gov; Maureen Foster; Sue_Waldron@nps.gov; Michael Litterst; David Horne; Charles Cuvelier
Subject: Re: BLRI

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Sent from my iPhone

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> FYI.
>
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> Associate Director
> National Park Service
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> Sent Wirelessly
>
> Begin forwarded message:
>
> > **From:** Cam Sholly <cam_sholly@nps.gov>
> > **Date:** October 4, 2013 at 10:10:45 PM EDT
> > **To:** Cam Sholly <Cam_Sholly@nps.gov>
> >
> > http://www.usatoday.com/story/news/nation/2013/10/04/blue-ridge-parkway-pisgah-inn/2923169/

Young, Deirdre R

From: Cam Sholly <cam_sholly@nps.gov>
Sent: Friday, October 04, 2013 10:13 PM
To: Jonathan Jarvis; Peggy_O'Dell@nps.gov; Maureen Foster; Sue_Waldron@nps.gov; Michael Litterst; shawn_benge@nps.gov; David Horne; Charles Cuvelier
Subject: Fwd: BLRI

FYI.

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

Sent Wirelessly

Begin forwarded message:

> **From:** Cam Sholly <cam_sholly@nps.gov>
> **Date:** October 4, 2013 at 10:10:45 PM EDT
> **To:** Cam Sholly <Cam_Sholly@nps.gov>
>
> http://www.usatoday.com/story/news/nation/2013/10/04/blue-ridge-parkway-pisgah-inn/2923169/

Young, Deirdre R

From: William Reynolds <william_f_reynolds@nps.gov>
Sent: Friday, October 04, 2013 8:59 PM
To: mark_woods@nps.gov
Cc: shawn_benge@nps.gov; Steve_Stinnett@nps.gov
Subject: Re: Resource needs

Thanks, Mark!

From: Mark Woods [mailto:mark_woods@nps.gov]
Sent: Friday, October 04, 2013 05:40 PM
To: William Reynolds <william_f_reynolds@nps.gov>
Cc: shawn_benge@nps.gov <shawn_benge@nps.gov>; Steve Stinnett <Steve_Stinnett@nps.gov>
Subject: Re: Resource needs

Will do.

Mark H. Woods
Superintendent
Blue Ridge Parkway

Sent from my iPad

On Oct 4, 2013, at 8:26 PM, William Reynolds <william_f_reynolds@nps.gov> wrote:

> Guys, I seem to have inadvertently been omitted from some of the messages below related to media and possible events that will get media attention. Please remind folks to loop me in on these discussions, even if they start out being unrelated to media.
> Thanks much,
> Bill
>
> ---
>
> **From:** Litterst, Michael [mailto:mike_litterst@nps.gov]
> **Sent:** Friday, October 04, 2013 03:42 PM
> **To:** Cam Sholly <cam_sholly@nps.gov>
> **Cc:** Jon Jarvis <Jon_Jarvis@nps.gov>; Margaret O'Dell <peggy_o'dell@nps.gov>; Maureen Foster <Maureen_Foster@nps.gov>; Suzanne Waldron <sue_waldron@nps.gov>; William Reynolds <william_f_reynolds@nps.gov>
> **Subject:** Re: Resource needs
>
> I know other parks did the same in 1995 - media access only where the public access is. If that means they are at the closed gate, to do their story, then that's as far as they get.
>
> 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

On Fri, Oct 4, 2013 at 6:35 PM, Cam Sholly <cam_sholly@nps.gov> wrote:
This could get some attention.

Cameron Sholly
Associate Director
Visitor and Resource Protection
National Park Service
202.565.1020-w
202.309.8093-c

Sent Wirelessly

Begin forwarded message:

> **From:** Shawn Benge <shawn_benge@nps.gov>
> **Date:** October 4, 2013, 6:28:55 PM EDT
> **To:** Cam Sholly <cam_sholly@nps.gov>, Charles Cuvelier <charles_cuvelier@nps.gov>
> **Subject: Fwd: Resource needs**
>
> FYI
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** Steve Stinnett <steve_stinnett@nps.gov>
> > **Date:** October 4, 2013, 6:21:53 PM EDT
> > **To:** Mark Woods <mark_woods@nps.gov>
> > **Cc:** Shawn Benge <shawn_benge@nps.gov>, David Horne <david_horne@nps.gov>
> > **Subject: Re: Resource needs**
> >
> > I have done interviews with Fox News 7 Greenville SC, WLOS ABC 13
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(b) (5)
(b) (5)
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things get rolling.

On Oct 4, 2013, at 3:48 PM, Mark Woods <mark_woods@nps.gov> wrote:

Is there much media at this time?

Mark H. Woods
Superintendent
Blue Ridge Parkway

Sent from my iPad

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> > be at HQ T 0800

tomorrow. Working on getting

additional rangers by 2100 tonight. Will keep you posted.

Mark H. Woods

Superintendent

Blue Ridge Parkway

Sent from my iPad

Young, Deirdre R

From: Mark Woods <mark_woods@nps.gov>
Sent: Friday, October 04, 2013 8:41 PM
To: William Reynolds
Cc: shawn_benge@nps.gov; Steve Stinnett
Subject: Re: Resource needs

Will do.

Mark H. Woods
Superintendent
Blue Ridge Parkway

Sent from my iPad

On Oct 4, 2013, at 8:26 PM, William Reynolds <william_f_reynolds@nps.gov> wrote:

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> **From**: Litterst, Michael [mailto:mike_litterst@nps.gov]
> **Sent**: Friday, October 04, 2013 03:42 PM
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> **Cc**: Jon Jarvis <Jon_Jarvis@nps.gov>; Margaret O'Dell <peggy_o'dell@nps.gov>; Maureen Foster <Maureen_Foster@nps.gov>; Suzanne Waldron <sue_waldron@nps.gov>; William Reynolds <william_f_reynolds@nps.gov>
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> Mike Litterst
> Chief Spokesperson (acting)
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> National Park Service
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Associate Director
Visitor and Resource Protection
National Park Service
202.565.1020-w
202.309.8093-c

Sent Wirelessly

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> > **Cc:** Shawn Benge <shawn_benge@nps.gov>, David Horne <david_horne@nps.gov>
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On Oct 4, 2013, at 3:48 PM, Mark Woods <mark_woods@nps.gov> wrote:

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Mark H. Woods

Superintendent

Blue Ridge Parkway

Sent from my iPad

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I am going to bring one ranger down from Vinton tomorrow AM. We will

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On Oct 4, 2013, at 2:55 PM, Mark Woods <mark_woods@nps.gov> wrote:

PIO from GRSM will be at HQ T 0800 tomorrow. Working on getting

additional rangers by 2100 tonight. Will keep you posted.

Mark H. Woods

Superintendent
Blue Ridge Parkway

Sent from my iPad

Young, Deirdre R

From: William Reynolds <william_f_reynolds@nps.gov>
Sent: Friday, October 04, 2013 8:25 PM
To: shawn_benge@nps.gov; mark_woods@nps.gov
Subject: Fw: Resource needs

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Associate Director
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Mark H. Woods
Superintendent
Blue Ridge Parkway

Sent from my iPad

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> > Mark H. Woods
> >
> > Superintendent
> >
> > Blue Ridge Parkway
> >
> > Sent from my iPad

Young, Deirdre R

From: David Horne <david_horne@nps.gov>
Sent: Friday, October 04, 2013 8:25 PM
To: Shawn Benge
Subject: Re: Vulgar Emergency Line Call

That was ugly. I hate to think of this BLRI situation getting out of control. We'll get a fresh start on it tomorrow.

David Horne
Chief Ranger (acting)
Southeast Region
Office: 404-507-5622
Mobile: 303-726-5841

On Oct 4, 2013, at 7:58 PM, Shawn Benge <shawn_benge@nps.gov> wrote:

Sent from my iPhone

Begin forwarded message:

From: "Jordan, Clayton" <clayton_jordan@nps.gov>
To: "dtmnsn@charter.net" <dtmnsn@charter.net>, Shawn Benge <Shawn_Benge@nps.gov>
Subject: Fwd: Vulgar Emergency Line Call

Nothing important but a quick listen demonstrates just how high the emotions are running...

Clay Jordan
Chief Ranger
Great Smoky Mountains National Park
107 Park Headquarters Road
Gatlinburg, TN. 37738
Direct: (865) 436-1225
Mobile: (865) 202-6725
Fax: (865) 436-1244

---------- Forwarded message ----------
From: Bradley, Bert <bert_bradley@nps.gov>
Date: Fri, Oct 4, 2013 at 5:51 PM
Subject: Vulgar Emergency Line Call
To: Clayton Jordan <clayton_jordan@nps.gov>
Cc: Lisa Slobodzian <lisa_slobodzian@nps.gov>

Chief,

Lisa asked that I forward this vulgar emergency phone call that we just received.

See ya,

--
Bert Bradley
Communications Center Supervisor
Resource &Visitor Protection Division
Great Smoky Mountains National Park
107 Park Headquarters Road
Gatlinburg, TN 37738
(865)436-1226 (Work)
(865)436-1230 (Dispatch Office)
(865)436-1313 (Fax)

"Do good, avoid evil, remember who you are and what you stand for, and watch out for the company you keep."
The late Jerry Mernin, NPS Ranger

<Vulgar Phone Call.wav>

Young, Deirdre R

From: Mark Woods <mark_woods@nps.gov>
Sent: Friday, October 04, 2013 8:25 PM
To: David Horne
Cc: Steve Stinnett; Shawn Benge
Subject: Re: Resource needs

We are very appreciative of the strong Support provided.

Sent from my iPhone

On Oct 4, 2013, at 8:15 PM, David Horne <david_horne@nps.gov> wrote:

> Thanks Steve. You've had huge day and I hope the Inn keeper goes along
> with program soon. I'll be in first thing in AM so let's touch base
> when you get a chance.
>
> _____
> David Horne
> Chief Ranger (acting)
> Southeast Region
> Office: 404-507-5622
> Mobile: 303-726-5841
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>>>> Superintendent
>>>> Blue Ridge Parkway
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Young, Deirdre R

From: Shawn Benge <shawn_benge@nps.gov>
Sent: Friday, October 04, 2013 8:09 PM
To: Cam Sholly; Charles Cuvelier
Subject: Fwd: Vulgar Emergency Line Call
Attachments: Vulgar Phone Call.wav

Just had to share! For when u get a moment. Not important.

Sent from my iPhone

Begin forwarded message:

> **From:** "Jordan, Clayton" <clayton_jordan@nps.gov>
> **To:** "dtmnsn@charter.net" <dtmnsn@charter.net>, Shawn Benge <Shawn_Benge@nps.gov>
> **Subject: Fwd: Vulgar Emergency Line Call**
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> Great Smoky Mountains National Park
> 107 Park Headquarters Road
> Gatlinburg, TN. 37738
> Direct: (865) 436-1225
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> Fax: (865) 436-1244
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> Resource &Visitor Protection Division
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"Do good, avoid evil, remember who you are and what you stand for, and watch out for the company you keep."
The late Jerry Mernin, NPS Ranger

Young, Deirdre R

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Young, Deirdre R

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Direct: (865) 436-1225
Mobile: (865) 202-6725
Fax: (865) 436-1244

---------- Forwarded message ----------
From: **Bradley, Bert** <bert_bradley@nps.gov>
Date: Fri, Oct 4, 2013 at 5:51 PM
Subject: Vulgar Emergency Line Call
To: Clayton Jordan <clayton_jordan@nps.gov>
Cc: Lisa Slobodzian <lisa_slobodzian@nps.gov>

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Young, Deirdre R

From: Jordan, Clayton <clayton_jordan@nps.gov>
Sent: Friday, October 04, 2013 7:43 PM
To: Benge, Shawn
Subject: Re: LE Assets

Okay great, Shawn. I'm not seeing much sign of the Blount County story taking legs at this point beyond the locals so we are probably good to go on that issue.

Hopefully the BLRI situation won't blow up too bad.

By the way our excepted employee on duty count was down to 35 today. Should pretty much level off now.

Thanks,

Clay

Clay Jordan
Chief Ranger
Great Smoky Mountains National Park
107 Park Headquarters Road
Gatlinburg, TN. 37738
Direct: (865) 436-1225
Mobile: (865) 202-6725
Fax: (865) 436-1244

On Fri, Oct 4, 2013 at 6:04 PM, Benge, Shawn <shawn_benge@nps.gov> wrote:

FYI---We were able to find folks at CUGA and CHCH. Thanks for all your help today with the PIO. We greatly appreciated it. Let me know if I can help GRSM in anyway.

I talked with Jon and Peggy about the Blount Co press event. They are aware and Maureen has a copy of the letter to the Sec.

Thanks again,

Shawn

--

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

Young, Deirdre R

From: Mark Woods <mark_woods@nps.gov>
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Cc: Shawn Benge; David Horne
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Sent from my iPhone

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(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)
(b) (5)(b) (5)(b) (5)(b) (5). I just had a car stop that was looking
> for the protesters. They said that there is a movement to get busses
> loaded with people up here and individuals as early as tonight. I will
> have more ranger assets tomorrow. We'll have to see if its enough once
> things get rolling.
>
> On Oct 4, 2013, at 3:48 PM, Mark Woods <mark_woods@nps.gov> wrote:
>
>> Is there much media at this time?
>>
>>
>> Mark H. Woods
>> Superintendent
>> Blue Ridge Parkway
>>
>> Sent from my iPad
>>
>> On Oct 4, 2013, at 3:47 PM, Steve Stinnett <steve_stinnett@nps.gov> wrote:
>>
>>> Copy. David Horne and I have been talking. I expect to be out here
>>> until 9-10 tonight then back in the AM for the morning news.
>>>
>>> I am going to bring one ranger down from Vinton tomorrow AM. We will
>>> cancel assets as appropriate. This is going to require some travel
>>> and OT.
>>>
>>> On Oct 4, 2013, at 2:55 PM, Mark Woods <mark_woods@nps.gov> wrote:
>>>
>>>> PIO from GRSM will be at HQ T 0800 tomorrow. Working on getting
>>>> additional rangers by 2100 tonight. Will keep you posted.
>>>>
>>>> Mark H. Woods
>>>> Superintendent
>>>> Blue Ridge Parkway

>>>>
>>>> Sent from my iPad

Young, Deirdre R

From: Shawn Benge <shawn_benge@nps.gov>
Sent: Friday, October 04, 2013 6:29 PM
To: Cam Sholly; Charles Cuvelier
Subject: Fwd: Resource needs

FYI

Sent from my iPhone

Begin forwarded message:

> **From:** Steve Stinnett <steve_stinnett@nps.gov>
> **Date:** October 4, 2013, 6:21:53 PM EDT
> **To:** Mark Woods <mark_woods@nps.gov>
> **Cc:** Shawn Benge <shawn_benge@nps.gov>, David Horne <david_horne@nps.gov>
> **Subject: Re: Resource needs**
>
> I have done interviews with Fox News 7 Greenville SC, WLOS ABC 13 Asheville, Asheville Citizen Times (which feeds to USA Today), Smoky Mountain News here at the Lodge. (b) (5) (b) (5) (b) (5)(b) (5)(b) (5)(b) (5) I just had a car stop that was looking for the protesters. They said that there is a movement to get busses loaded with people up here and individuals as early as tonight. I will have more ranger assets tomorrow. We'll have to see if its enough once things get rolling.
>
> On Oct 4, 2013, at 3:48 PM, Mark Woods <mark_woods@nps.gov> wrote:
>
> Is there much media at this time?
>
> Mark H. Woods
> Superintendent
> Blue Ridge Parkway
>
> Sent from my iPad
>
> On Oct 4, 2013, at 3:47 PM, Steve Stinnett <steve_stinnett@nps.gov> wrote:
>
> Copy. David Horne and I have been talking. I expect to be out here until 9-10 tonight then back in the AM for the morning news.

I am going to bring one ranger down from Vinton tomorrow AM. We will

cancel assets as appropriate. This is going to require some travel and

OT.

On Oct 4, 2013, at 2:55 PM, Mark Woods <mark_woods@nps.gov> wrote:

> PIO from GRSM will be at HQ T 0800 tomorrow. Working on getting
>
> additional rangers by 2100 tonight. Will keep you posted.
>
> Mark H. Woods
>
> Superintendent
>
> Blue Ridge Parkway
>
> Sent from my iPad

Young, Deirdre R

From: Steve Stinnett <steve_stinnett@nps.gov>
Sent: Friday, October 04, 2013 6:22 PM
To: Mark Woods
Cc: Shawn Benge; David Horne
Subject: Re: Resource needs

I have done interviews with Fox News 7 Greenville SC, WLOS ABC 13 Asheville, Asheville Citizen Times (which feeds to USA Today), Smoky Mountain News here at the Lodge. (b) (5) (b) (5) I just had a car stop that was looking for the protesters. They said that there is a movement to get busses loaded with people up here and individuals as early as tonight. I will have more ranger assets tomorrow. We'll have to see if its enough once things get rolling.

On Oct 4, 2013, at 3:48 PM, Mark Woods <mark_woods@nps.gov> wrote:

> Is there much media at this time?
>
>
> Mark H. Woods
> Superintendent
> Blue Ridge Parkway
>
> Sent from my iPad
>
> On Oct 4, 2013, at 3:47 PM, Steve Stinnett <steve_stinnett@nps.gov> wrote:
>
>> Copy. David Horne and I have been talking. I expect to be out here
>> until 9-10 tonight then back in the AM for the morning news.
>>
>> I am going to bring one ranger down from Vinton tomorrow AM. We will
>> cancel assets as appropriate. This is going to require some travel
>> and OT.
>>
>> On Oct 4, 2013, at 2:55 PM, Mark Woods <mark_woods@nps.gov> wrote:
>>
>>> PIO from GRSM will be at HQ T 0800 tomorrow. Working on getting
>>> additional rangers by 2100 tonight. Will keep you posted.
>>>
>>> Mark H. Woods
>>> Superintendent
>>> Blue Ridge Parkway
>>>
>>> Sent from my iPad

Young, Deirdre R

From: Mark Woods <mark_woods@nps.gov>
Sent: Friday, October 04, 2013 6:00 PM
To: McDowall, Lena
Cc: Shawn Benge; Steve Stinnett
Subject: Re: Response to your letter concerning Pisgah Inn

Thank you.

Mark H. Woods
Superintendent
Blue Ridge Parkway

Sent from my iPad

On Oct 4, 2013, at 5:54 PM, "McDowall, Lena" <lena_mcdowall@nps.gov> wrote:

> VIA ELECTRONIC MAIL: NO HARD COPY TO FOLLOW
>
> United States Department of the Interior
> National Park Service
> 1849 C St NW
> Washington, DC 20240
>
> Mr. Kevin R. Garden
> The Garden Law Firm, P.C.
> 901 N. Pitt Street, Suite 905
> Alexandria, VA 22314
>
> Re: Concession Contract BLRI003-04
>
> Dear Mr. Garden
>
> We are writing in response to your email of October 4, 2013 to Steve Stinnett, Chief Ranger of Blue Ridge Parkway, concerning the adequacy of notice to your client, Parkway Inn, Inc., d/b/a Pisgah Inn, to cease doing business in connection with the government shutdown.
>
> Pursuant to 36 CFR 1.5, all units of the National Park System nationwide were closed to public visitation and use on October 1, 2013. This closure was necessitated by a lapse in funds appropriated by the United States Congress for the operation of the National Park System and will remain in effect until funding is restored. I am advised that your client was notified of the closure determination on October 1, 2013 via email by Kathy Tustanowski, Chief of the Division of Business Administration for Blue Ridge Parkway, and subsequently another email notice was sent to Bruce O'Connell by Ms. Tustanowski regarding Phase 2 of the shutdown applicable to lodging services. The National Park Service is of the view that the email notices constituted sufficient notice to your client and it should cease operations immediately, if it has not already done so. The language of 36 C.F.R. 1.5 does not require that your client also receive a copy of the closure determination decision itself for the notice to be effective. Nevertheless, I enclose a copy of the Director's determination for your client's reference.

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

Sincerely,

/s/ Lena McDowall

SIGNED ORIGINAL ON FILE

Lena McDowall
Associate Director, Business Services

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

<Natl Park System Closure Determination and Notice 2013-10-01.pdf>

Young, Deirdre R

From: McDowall, Lena <lena_mcdowall@nps.gov>
Sent: Friday, October 04, 2013 5:54 PM
To: kevin@gardenlawfirm.com
Cc: BOconn8876@aol.com; Shawn Benge; Mark Woods; Steve Stinnett
Subject: Response to your letter concerning Pisgah Inn
Attachments: Natl Park System Closure Determination and Notice 2013-10-01.pdf

VIA ELECTRONIC MAIL: NO HARD COPY TO FOLLOW

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

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

Re: Concession Contract BLRI003-04

Dear Mr. Garden

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

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

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

Sincerely,

/s/ Lena McDowall

SIGNED ORIGINAL ON FILE

Lena McDowall
Associate Director, Business Services

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

United States Department of the Interior

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

Office of the Director

National Park System Closure Determination and Notice

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

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

Condition and Exceptions:

1. National Park Service personnel who have been identified as excepted will continue to report for duty in accordance with the National Park Service Contingency Plan and as directed by their supervisors.

2. Members of the public who are currently visiting a unit of the National Park System and not staying overnight in the park must vacate the park immediately. All day-use concession-operated visitor services and facilities are to be closed immediately. Exceptions may be granted by superintendents only if a facility is deemed essential for health or safety purposes.

3. Subject to paragraph 6 below, members of the public who are currently visiting a unit of the national park system and staying overnight either in a National Park Service-operated campground or a concessioner-operated facility in the park must vacate the park by 6:00 p.m. EDT on October 3, 2013.

4. Subject to paragraph 6 below, National Park Service concessioners must suspend their operations in overnight accommodations by 6:00 p.m. EDT on October 3, 2013.

5. Subject to paragraph 6 below, holders of National Park Service commercial use authorizations must immediately cease their in-park operations.

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

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

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

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

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

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

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

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

Jonathan B. Jarvis
Director

October 1, 2013
Date

Young, Deirdre R

From: Mark Woods <mark_woods@nps.gov>
Sent: Friday, October 04, 2013 5:49 PM
To: Benge, Shawn
Cc: Steve Stinnett; David Horne
Subject: Re: WASO Response to Mt. Pisgah Inn's Attorney

Excellent. Thank you.

Mark H. Woods
Superintendent
Blue Ridge Parkway

Sent from my iPad

On Oct 4, 2013, at 5:44 PM, "Benge, Shawn" <shawn_benge@nps.gov> wrote:

> Mark,
>
> WASO response is forthcoming in the next few minutes via email, with copies to you and Steve.
>
> --
> **Shawn Benge**
> Deputy Regional Director
> Southeast Region
> National Park Service
> Office: 404 507 5605
> Cell: 404 272 7253

Young, Deirdre R

From: Benge, Shawn <shawn_benge@nps.gov>
Sent: Friday, October 04, 2013 5:45 PM
To: Mark Woods; Steve Stinnett; David Horne
Subject: WASO Response to Mt. Pisgah Inn's Attorney

Mark,

WASO response is forthcoming in the next few minutes via email, with copies to you and Steve.

--

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

Young, Deirdre R

From: william_f_reynolds@addthis.com on behalf of william_f_reynolds@nps.gov
Sent: Friday, October 04, 2013 5:15 PM
To: shawn_benge@nps.gov
Subject: Blue Ridge hotel defies Park Service shutdown - Washington Times

Several inaccuracies here

http://www.washingtontimes.com/news/2013/oct/4/blue-ridge-hotel-defies-park-service-shutdown/?utm_source=RSS_Feed&utm_medium=RSS#.Uk8vwVvwtFk.email

--- This message was sent by william_f_reynolds@nps.gov via http://addthis.com. Please note that AddThis does not verify email addresses.

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Young, Deirdre R

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

Shawn -

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

-- Lena

Sent from my iPhone

Begin forwarded message:

> **From:** "Lackey, Melissa" <melissa.lackey@sol.doi.gov>
> **Date:** October 4, 2013, 3:48:43 PM EDT
> **To:** "Roth, Barry" <barry.roth@sol.doi.gov>
> **Cc:** Lena McDowall <Lena_McDowall@nps.gov>
> **Subject: Re: Draft Letter to Kevin Garden re Adequacy of Notice to Pisgah Inn**
>
> Lena and Barry:
>
> Attached is the version of the letter to Garden with my edits to Barry's edits. Barry advised me that the Director's determination was not signed until after 6 on Tuesday, so presumably the Concessioner never received it (although it was not required to).
>
> Lena: Barry also advised that Shawn Benge and Steve Stinnett be copied on the letter.

Melissa Lackey

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

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

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

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

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

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

Attached is a draft (incorporating some of your text from the Cliff House letter). The emails I received don't include a copy of what I presume Kathy Tustanowski sent with the formal Notice attached (the email from her to Bruce O'Connell of Pisgah Inn refers to the Phase 2 closure). (b) (5)(b) (5)(b) (5)(b) (5)(b) (5) (b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5)(b) (5). In any case, I would attach another copy of the Director's Notice.

(b) (5)(b) (5)(b) (5)(b) (5) (b) (5)(b) (5)(b) (5)(b) (5). I don't know where the ranger station is located in relation to the Inn, but if it is not too hard, I would recommend hand-delivering a copy of the letter to anyone at the Inn.

Melissa Lackey

Attorney Advisor

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

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

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(on National Park Service letterhead)

Via email and U.S. Mail

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

and

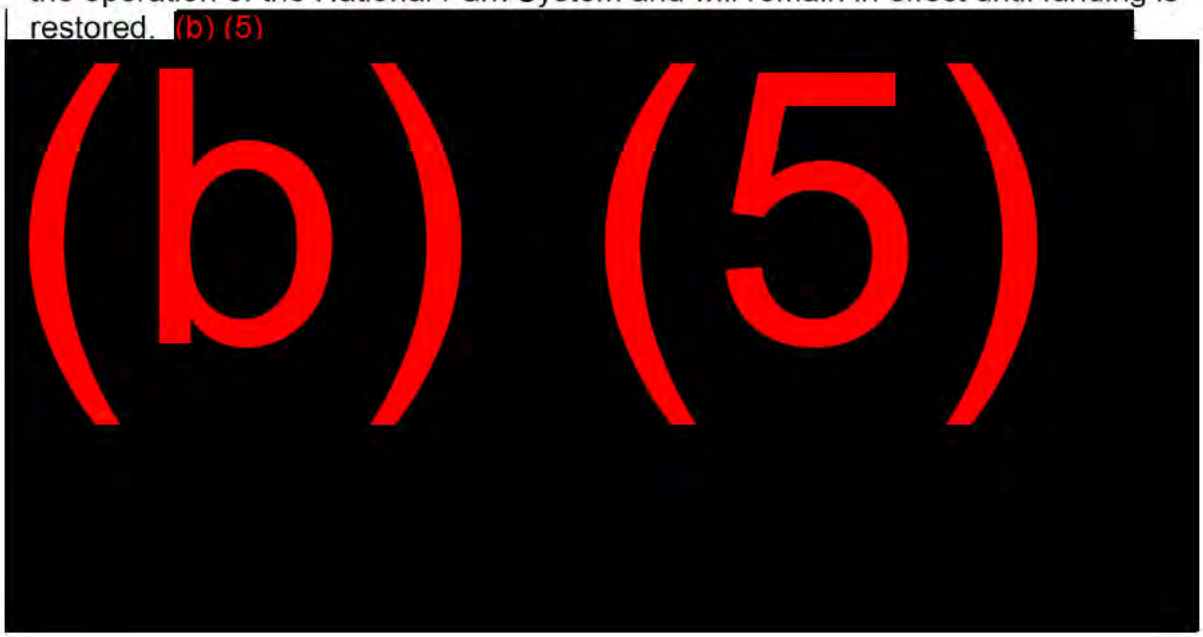
kevin@gardenlawfirm.com

Re: Concession Contract BLRI003-04

Dear Mr. Garden:

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

Pursuant to 36 C.F.R. § 1.5, all units of the National Park System nationwide were closed to public visitation and use on October 1, 2013. This closure was necessitated by a lapse in funds appropriated by the United States Congress for the operation of the National Park System and will remain in effect until funding is restored. (b) (5)



Your concern over the genuineness of the notice is somewhat surprising, given the extensive media coverage of the government shutdown and its effect on closure of National Parks and their concession facilities.

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

Yours truly,

Lena McDowall
Associate Director, Business Operations

cc: Mr. Bruce O'Connell

Young, Deirdre R

From: Horne, David <david_horne@nps.gov>
Sent: Friday, October 04, 2013 1:06 PM
To: Shawn Benge
Subject: Pisgah

Shawn,

Message delivered. Steve will restrict access to the Pisgah and he is requesting PIO assistance if available.

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

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

Young, Deirdre R

From: Horne, David <david_horne@nps.gov>
Sent: Friday, October 04, 2013 12:34 PM
To: Shawn Benge
Subject: Pisgah

Shawn,

As of 1230 the Pisgah just opened that gates and is allowing visitors in. Steve Stinnett has a Ranger headed that way but will not take action until guidance received.

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

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

Young, Deirdre R

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

Per our discussion.

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

I need guidance form Concessions and Solicitor on this.

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

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

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---------- Forwarded message ----------
From: **Kevin Garden** <kevin@gardenlawfirm.com>
Date: Fri, Oct 4, 2013 at 10:58 AM
Subject: Pisgah Inn
To: steve_stinnett@nps.gov
Cc: Bruce O'Connell (b)(6), "Newman, Philip" <Philip.Newman@mail.house.gov>, "Elliott, Beverly" <Beverly.Elliott@mail.house.gov>

Mr. Stinnett-

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

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

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

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

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

Best regards,

Kevin Garden

Kevin R. Garden, Esq.

THE GARDEN LAW FIRM, P.C.

901 N. Pitt Street, Suite 325

Alexandria, VA 22314

Tel: 703.535.5565 Fax: 703.997.1330

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--

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

Young, Deirdre R

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

I need guidance form Concessions and Solicitor on this.

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

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

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---------- Forwarded message ----------
From: **Kevin Garden** <kevin@gardenlawfirm.com>
Date: Fri, Oct 4, 2013 at 10:58 AM
Subject: Pisgah Inn
To: steve_stinnett@nps.gov
Cc: Bruce O'Connell (b)(6), "Newman, Philip" <Philip.Newman@mail.house.gov>, "Elliott, Beverly" <Beverly.Elliott@mail.house.gov>

Mr. Stinnett-

I am contacting you on behalf of the Pisgah Inn in an effort to determine the legal validity of the apparent direction to the Pisgah Inn to close its operations. The Pisgah Inn has not received any written notification from the Superintendent or his authorized representative to close its operations. Nor has the Pisgah Inn received any copy of any closure order, pursuant to 36 C.F.R. § 1.5, which states that its operations are to be closed.

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

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

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

Best regards,

Kevin Garden

Kevin R. Garden, Esq.

THE GARDEN LAW FIRM, P.C.

901 N. Pitt Street, Suite 325

Alexandria, VA 22314

Tel: 703.535.5565 Fax: 703.997.1330

The information contained in this message is confidential and may be an attorney-client communication. It is intended solely for the use of the recipient named above and is not intended to waive any confidentiality or attorney-client privilege. Any unauthorized use or distribution of this message is prohibited and may be unlawful. If the reader of this message is not the intended recipient, you are hereby notified that you have received this message in error and are requested to immediately notify me at the above email address or telephone number and destroy this message.

Young, Deirdre R

From: Margaret O'Dell <peggy_o'dell@nps.gov>
Sent: Friday, October 04, 2013 7:46 AM
To: Benge, Shawn
Subject: Re: Award

Glad it worked out! Nice job, please let the park staff know how much we appreciate their hard work in a difficult situation.

Sent from my iPhone

On Oct 3, 2013, at 8:51 PM, "Benge, Shawn" <shawn_benge@nps.gov> wrote:

> It now appears Mt. Pisgah Inn is closed, so we graciously except such a coveted award (pretty cool!). Although, all the credit goes to the Park.
>
> On Thu, Oct 3, 2013 at 4:52 PM, Margaret O'Dell <peggy_o'dell@nps.gov> wrote:
> Here it is! No explanation in email necessary. Congrats.

--

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

Young, Deirdre R

From: tips@publicus.com on behalf of Mark Woods <tips@publicus.com>
Sent: Thursday, October 03, 2013 10:04 PM
To: Shawn_benge@nps.gov
Subject: Pisgah Inn agrees to close

This is an article from BlueRidgeNow.com.

Mark Woods thinks you might be interested in this.

Link to the article:
http://www.blueridgenow.com/article/2013131009931

A message to you from Mark Woods:
Per our conversation earlier.

Regards
Mark Woods
Mark_woods@nps.gov

Attention! This e-mail is generated by a webserver. If the user didn't fill in an e-mail address, you can't reply to this mail.

Young, Deirdre R

From: Stinnett, Steve <steve_stinnett@nps.gov>
Sent: Thursday, October 03, 2013 5:26 PM
To: Horne, David
Cc: Reynolds, William; Mark Woods; Shawn Benge
Subject: Re: the Pisgah Inn closing

Definitely, but they were already underway with their closing prior to my arrival.

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 Thu, Oct 3, 2013 at 3:53 PM, Horne, David <david_horne@nps.gov> wrote:
Steve,

Great work!! Sounds like the trip was worth it.

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

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

On Thu, Oct 3, 2013 at 3:43 PM, Steve Stinnett <steve_stinnett@nps.gov> wrote:
They are going to call Rep Meadows and inform him that they will be closed at 6:00 PM. They also plan to send a press release.

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

I have been conversing with Rob Miller. They have been finding alternate lodging for their guests and are contacting visitors with reservations through Sunday telling them they will need to make alternate arrangements. They will move forward with those notifications as the shutdown continues. They will have the remainder of their current guests checked out 6:00 PM today. They will continue with food service through lunch today with seating through 5:15 and all patrons out by 6:00. They will secure their gates at that time.

On Oct 3, 2013, at 3:03 PM, "Reynolds, William" <william_f_reynolds@nps.gov> wrote:

> Mark, Shawn was called by Beverly and wants me to return her call. What is the latest on the ground?
> Thanks,
> Bill
>
> On Thu, Oct 3, 2013 at 12:10 PM, Mark Woods <mark_woods@nps.gov> wrote:
> Thanks
>
> Mark H. Woods
> Superintendent
> Blue Ridge Parkway
>
> Sent from my iPad
>
> On Oct 3, 2013, at 12:07 PM, "Stinnett, Steve" <steve_stinnett@nps.gov> wrote:
>
> > FYI
> >
> > 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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> >
> > ---------- Forwarded message ----------
> > From: **Stinnett, Steve** <steve_stinnett@nps.gov>

Date: Thu, Oct 3, 2013 at 12:06 PM
Subject: Re: the Pisgah Inn closing
To: "Elliott, Beverly" <Beverly.Elliott@mail.house.gov>
Cc: "King, Wayne" <Wayne.King@mail.house.gov>

Beverly,

I just talked to Superintendent Mark Woods. He is on the road but plans on calling you around 12:30.

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
199 Hemphill Knob Rd
Asheville, NC 28803
828/348-3426 (O)
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On Thu, Oct 3, 2013 at 12:05 PM, Elliott, Beverly <Beverly.Elliott@mail.house.gov> wrote:

Steve,

Please give me a call as soon as possible regarding the impending closing of the Pisgah Inn.

Beverly Elliott

Congressman Mark Meadows

828-200-6026 mobile

828-693-5660 office

828-693-5603 fax

--
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: 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>
> **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

This email was sent to you by Thomson Reuters, the global news and information company. Any views expressed in this message are those of the individual sender, except where the sender specifically states them to be the views of Thomson Reuters.

--
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: William Reynolds <william_f_reynolds@nps.gov>
Sent: Thursday, October 03, 2013 4:31 PM
To: Sue_Waldron@nps.gov; karen_cucurullo@nps.gov; shawn_benge@nps.gov
Cc: maureen_foster@nps.gov; Lena_McDowall@nps.gov; Mike_Litterst@nps.gov
Subject: Re: Pisgah Inn

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>
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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(202) 208-3046
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EXPERIENCE YOUR AMERICA

Young, Deirdre R

From: Reynolds, William <william_f_reynolds@nps.gov>
Sent: Thursday, October 03, 2013 3:55 PM
To: Steve Stinnett
Cc: Mark Woods; Shawn Benge; David Horne
Subject: Re: the Pisgah Inn closing

I just got off the phone with Colleen from Reuters and told her this was happening. She is updating her story.
Bill

On Thu, Oct 3, 2013 at 3:43 PM, Steve Stinnett <steve_stinnett@nps.gov> wrote:
They are going to call Rep Meadows and inform him that they will be closed at 6:00 PM. They also plan to send a press release.

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

> I have been conversing with Rob Miller. They have been finding alternate lodging for their guests and are contacting visitors with reservations through Sunday telling them they will need to make alternate arrangements. They will move forward with those notifications as the shutdown continues. They will have the remainder of their current guests checked out 6:00 PM today. They will continue with food service through lunch today with seating through 5:15 and all patrons out by 6:00. They will secure their gates at that time.
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> >
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> >
> > Mark H. Woods
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> > > Steve Stinnett
> > > Chief Ranger
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> > > 199 Hemphill Knob Rd

Asheville, NC 28803
828/348-3426 (O)
828/271-4118 (F)
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---------- Forwarded message ----------
From: **Stinnett, Steve** <steve_stinnett@nps.gov>
Date: Thu, Oct 3, 2013 at 12:06 PM
Subject: Re: the Pisgah Inn closing
To: "Elliott, Beverly" <Beverly.Elliott@mail.house.gov>
Cc: "King, Wayne" <Wayne.King@mail.house.gov>

Beverly,

I just talked to Superintendent Mark Woods. He is on the road but plans on calling you around 12:30.

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

Please give me a call as soon as possible regarding the impending closing of the Pisgah Inn.

Beverly Elliott

Congressman Mark Meadows

828-200-6026 mobile

828-693-5660 office

828-693-5603 fax

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

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

Young, Deirdre R

From: Horne, David <david_horne@nps.gov>
Sent: Thursday, October 03, 2013 3:54 PM
To: Steve Stinnett
Cc: Reynolds, William; Mark Woods; Shawn Benge
Subject: Re: the Pisgah Inn closing

Steve,

Great work!! Sounds like the trip was worth it.

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

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

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> >
> > Mark H. Woods
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> > Blue Ridge Parkway

Sent from my iPad

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FYI

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
199 Hemphill Knob Rd
Asheville, NC 28803
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Congressman Mark Meadows

828-200-6026 mobile

828-693-5660 office

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

Young, Deirdre R

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Cc: Mark Woods; Shawn Benge; David Horne
Subject: Re: the Pisgah Inn closing

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Steve Stinnett
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Blue Ridge Parkway
199 Hemphill Knob Rd
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Congressman Mark Meadows

828-200-6026 mobile

828-693-5660 office

828-693-5603 fax

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

Young, Deirdre R

From: Woods, Mark <mark_woods@nps.gov>
Sent: Thursday, October 03, 2013 3:39 PM
To: Steve Stinnett
Cc: Reynolds, William; Shawn Benge; David Horne
Subject: Re: the Pisgah Inn closing

Thank you Steve.

Mark H. Woods
Superintendent
Blue Ridge Parkway (NC/VA)

On Thu, Oct 3, 2013 at 3:38 PM, Steve Stinnett <steve_stinnett@nps.gov> wrote:
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>
> Mark H. Woods
> Superintendent
> Blue Ridge Parkway
>
> Sent from my iPad
>
> On Oct 3, 2013, at 12:07 PM, "Stinnett, Steve" <steve_stinnett@nps.gov> wrote:
>
> > FYI
> >
> > 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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---------- Forwarded message ----------
From: **Stinnett, Steve** <steve_stinnett@nps.gov>
Date: Thu, Oct 3, 2013 at 12:06 PM
Subject: Re: the Pisgah Inn closing
To: "Elliott, Beverly" <Beverly.Elliott@mail.house.gov>
Cc: "King, Wayne" <Wayne.King@mail.house.gov>

Beverly,

I just talked to Superintendent Mark Woods. He is on the road but plans on calling you around 12:30.

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
199 Hemphill Knob Rd
Asheville, NC 28803
828/348-3426 (O)
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On Thu, Oct 3, 2013 at 12:05 PM, Elliott, Beverly <Beverly.Elliott@mail.house.gov> wrote:

Steve,

Please give me a call as soon as possible regarding the impending closing of the Pisgah Inn.

Beverly Elliott

Congressman Mark Meadows

828-200-6026 mobile

828-693-5660 office

828-693-5603 fax

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

Young, Deirdre R

From: Steve Stinnett <steve_stinnett@nps.gov>
Sent: Thursday, October 03, 2013 3:38 PM
To: Reynolds, William
Cc: Mark Woods; Shawn Benge; David Horne
Subject: Re: the Pisgah Inn closing

I have been conversing with Rob Miller. They have been finding alternate lodging for their guests and are contacting visitors with reservations through Sunday telling them they will need to make alternate arrangements. They will move forward with those notifications as the shutdown continues. They will have the remainder of their current guests checked out 6:00 PM today. They will continue with food service through lunch today with seating through 5:15 and all patrons out by 6:00. They will secure their gates at that time.

On Oct 3, 2013, at 3:03 PM, "Reynolds, William" <william_f_reynolds@nps.gov> wrote:

> Mark, Shawn was called by Beverly and wants me to return her call. What is the latest on the ground?
> Thanks,
> Bill
>
> On Thu, Oct 3, 2013 at 12:10 PM, Mark Woods <mark_woods@nps.gov> wrote:
> Thanks
>
> Mark H. Woods
> Superintendent
> Blue Ridge Parkway
>
> Sent from my iPad
>
> On Oct 3, 2013, at 12:07 PM, "Stinnett, Steve" <steve_stinnett@nps.gov> wrote:
>
> > FYI
> >
> > Steve Stinnett
> > Chief Ranger
> > Blue Ridge Parkway
> > 199 Hemphill Knob Rd
> > Asheville, NC 28803
> > 828/348-3426 (O)
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Date: Thu, Oct 3, 2013 at 12:06 PM
Subject: Re: the Pisgah Inn closing
To: "Elliott, Beverly" <Beverly.Elliott@mail.house.gov>
Cc: "King, Wayne" <Wayne.King@mail.house.gov>

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Steve Stinnett
Chief Ranger
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Steve,

Please give me a call as soon as possible regarding the impending closing of the Pisgah Inn.

Beverly Elliott

Congressman Mark Meadows

828-200-6026 mobile

828-693-5660 office

828-693-5603 fax

--
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
Subject: Fwd: For your information see attached press release
To: William Reynolds <william_f_reynolds@nps.gov>

---------- 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
199 Hemphill Knob Rd
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---------- Forwarded message ----------
From: Bruce O'Connell (b)(6)>
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
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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

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---------- Forwarded message ----------
From: Bruce O'Connell (b)(6) >
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

--
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

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
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Subject: Fwd: For your information see attached press release
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Updated information

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Blue Ridge Parkway

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From: Bruce O'Connell (b)(6)>
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

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

Young, Deirdre R

From: Benge, Shawn <shawn_benge@nps.gov>
Sent: Wednesday, October 02, 2013 2:59 PM
To: William Reynolds
Subject: Fwd: For your information see attached press release
Attachments: PRESS RELEASE.docx

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From: **Stinnett, Steve** <steve_stinnett@nps.gov>
Date: Wed, Oct 2, 2013 at 2:16 PM
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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>

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

PRESS RELEASE....FOR IMMEDIATE RELEASE

October 2, 2013

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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.

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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: 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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Cc: (b)(6)

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Bruce

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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 12:14 PM
To: Benge, Shawn
Subject: Re: BLRI Concessions Maps and Information

sure will

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
199 Hemphill Knob Rd
Asheville, NC 28803
828/348-3426 (O)
828/271-4118 (F)
(b)(6), (b)(7)(C) (C)

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On Wed, Oct 2, 2013 at 12:01 PM, Benge, Shawn <shawn_benge@nps.gov> wrote:
Steve,

I just sent you an invite for a 1:00 call with WASO. Could you please join us?

On Wed, Oct 2, 2013 at 11:54 AM, Stinnett, Steve <steve_stinnett@nps.gov> wrote:
Shawn,

I have attached maps for four parkway concession areas.

In total the Blue Ridge Parkway has 11 concession operations:the ones in red are not currently operating due to a lack of operators:

Otter Creek Restaurant at MP 60.8 closed, no bidders for concession contract

Peaks of Otter Lodge,
MP 85.9 near Bedford, VA, accessible by Parkway Motor Road and VA Route 43
Is not behind closed gates even if the Motor Road is closed
50 rooms, gift shop, restaurant, bus service to Sharp Top peak
Operated by Delaware North

Rocky Knob Cabins at MP167 closed, no bidders for concession contract

Mabry Mill Restaurant and Gift Shop
MP 176.2 near Meadows of Dan, VA

Bluffs Lodge and Coffee Shop at MP241.1 near Sparta, NC closed, no bidders for concession contract

Northwest Trading Post, Craft Store at MP 258.7 closed, no bidders for concession contract

Craft Store in the Moses Cone Manor House at MP 294.0 near Blowing Rock, NC
Operated by the Southern Highland Craft Guild

Price Lake Boat Rentals at MP 296.9 near Blowing Rock, NC

Crabtree Falls Restaurant and Gift Shop closed, no bidders for concession contract

Folk Art Center at MP 382.0 in Asheville, NC
Is not behind closed gates at any time
Eastern National has a bookstore inside the facility
NPS has a contact desk inside the facility
Craft Store, museum, offices for the concessioner
Operated by the Southern Highland Craft Guild

Mount Pisgah Lodge, Restaurant, Country Store at MP 408.8
Near Asheville, NC
Behind gates if closed, currently the Motor Road is open so is accessible to visitors and guests
51 rooms
34 employees in concession dorms
Park wastewater plant that must continue to operate during shutdown due to concession lodging remaining occupied
Operated by Pisgah Inn Inc.

Steve Stinnett
Chief Ranger
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--

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

Young, Deirdre R

From: Benge, Shawn <shawn_benge@nps.gov>
Sent: Wednesday, October 02, 2013 12:04 PM
To: Russell Moore
Subject: Fwd: BLRI Concessions Maps and Information
Attachments: Folk Art Center.pdf; Mabry Mill.pdf; Mount Pisgah Inn.pdf; Peaks of Otter Lodge.pdf

Couldl you please print the is info for me (including all attachments)

Thanks,

Shawn

---------- Forwarded message ----------
From: **Stinnett, Steve** <steve_stinnett@nps.gov>
Date: Wed, Oct 2, 2013 at 11:54 AM
Subject: BLRI Concessions Maps and Information
To: Shawn Benge <shawn_benge@nps.gov>
Cc: David Horne <david_horne@nps.gov>, William Reynolds <william_f_reynolds@nps.gov>

Shawn,

I have attached maps for four parkway concession areas.

In total the Blue Ridge Parkway has 11 concession operations:the ones in red are not currently operating due to a lack of operators:

Otter Creek Restaurant at MP 60.8 closed, no bidders for concession contract

Peaks of Otter Lodge,
MP 85.9 near Bedford, VA, accessible by Parkway Motor Road and VA Route 43
Is not behind closed gates even if the Motor Road is closed
50 rooms, gift shop, restaurant, bus service to Sharp Top peak
Operated by Delaware North

Rocky Knob Cabins at MP167 closed, no bidders for concession contract

Mabry Mill Restaurant and Gift Shop
MP 176.2 near Meadows of Dan, VA

Bluffs Lodge and Coffee Shop at MP241.1 near Sparta, NC closed, no bidders for concession contract

Northwest Trading Post, Craft Store at MP 258.7 closed, no bidders for concession contract

Craft Store in the Moses Cone Manor House at MP 294.0 near Blowing Rock, NC
Operated by the Southern Highland Craft Guild

Price Lake Boat Rentals at MP 296.9 near Blowing Rock, NC

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Folk Art Center at MP 382.0 in Asheville, NC
Is not behind closed gates at any time
Eastern National has a bookstore inside the facility
NPS has a contact desk inside the facility
Craft Store, museum, offices for the concessioner
Operated by the Southern Highland Craft Guild

Mount Pisgah Lodge, Restaurant, Country Store at MP 408.8
Near Asheville, NC
Behind gates if closed, currently the Motor Road is open so is accessible to visitors and guests
51 rooms
34 employees in concession dorms
Park wastewater plant that must continue to operate during shutdown due to concession lodging remaining occupied
Operated by Pisgah Inn Inc.

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

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--

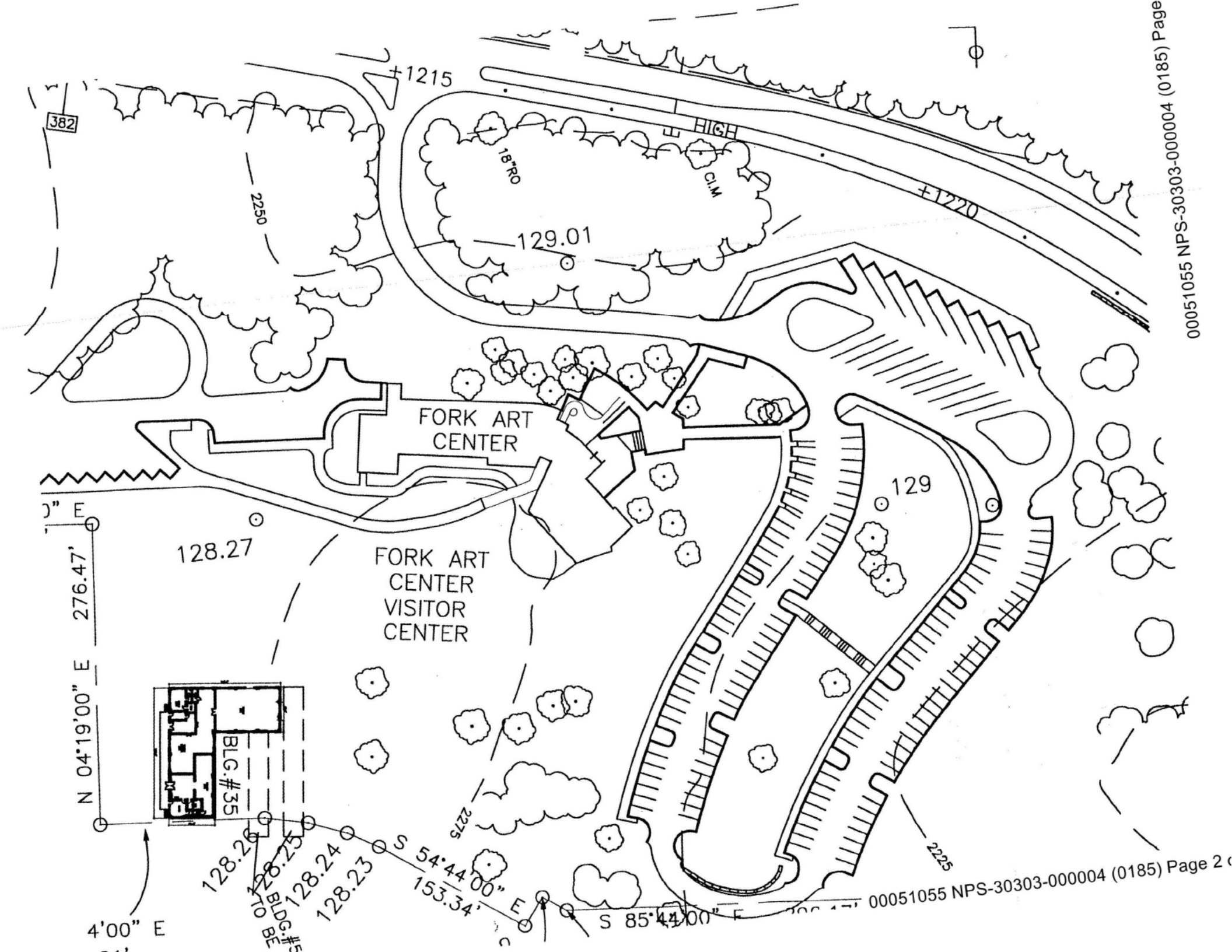
Shawn Benge
Deputy Regional Director
Southeast Region
National Park Service
Office: 404 507 5605
Cell: 404 272 7253

MP-382.3 Asheville Maintenance Area

MAINTENANCE AREA

PISGAH DISTRICT OFFICE

RESIDENCES; 181, 182, 412, 413, 414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+1215
HIGH
18"RO
CI.M
+1220
2250
129.01
FORK ART CENTER
129
128.27
FORK ART CENTER VISITOR CENTER
N 04°19'00" E 276.47'
BLG.#35
2275
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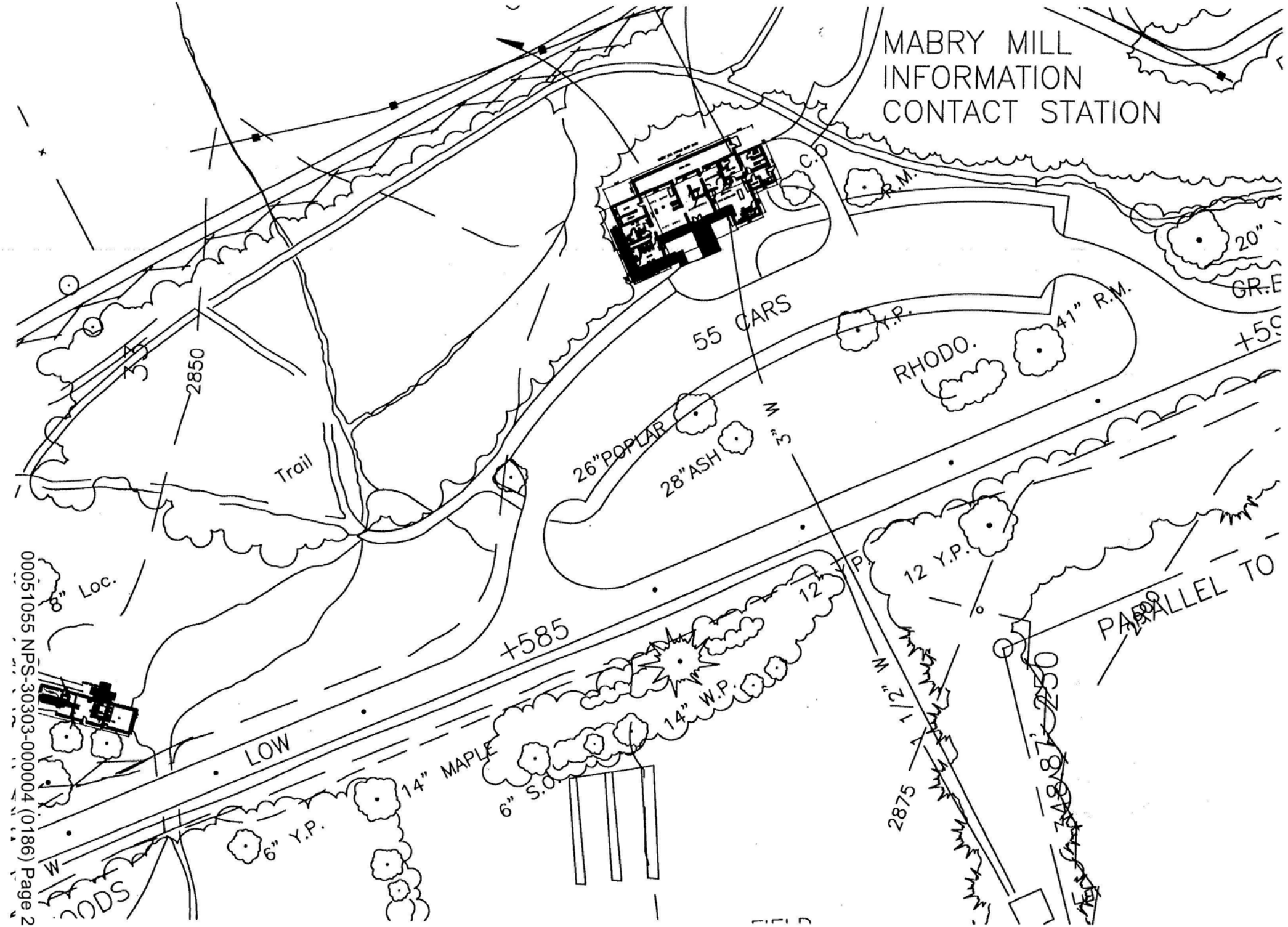
128.23
S 54°44'00" E
153.34'
S 85°44'00" E
4'00" E
00051055 NPS-30303-000004 (0185) Page 2 o
00051055 NPS-30303-000004 (0185) Page

MP-176.2 Mabry Mill Area

RESTAURANT / GIFT SHOP, Parking for 58 cars



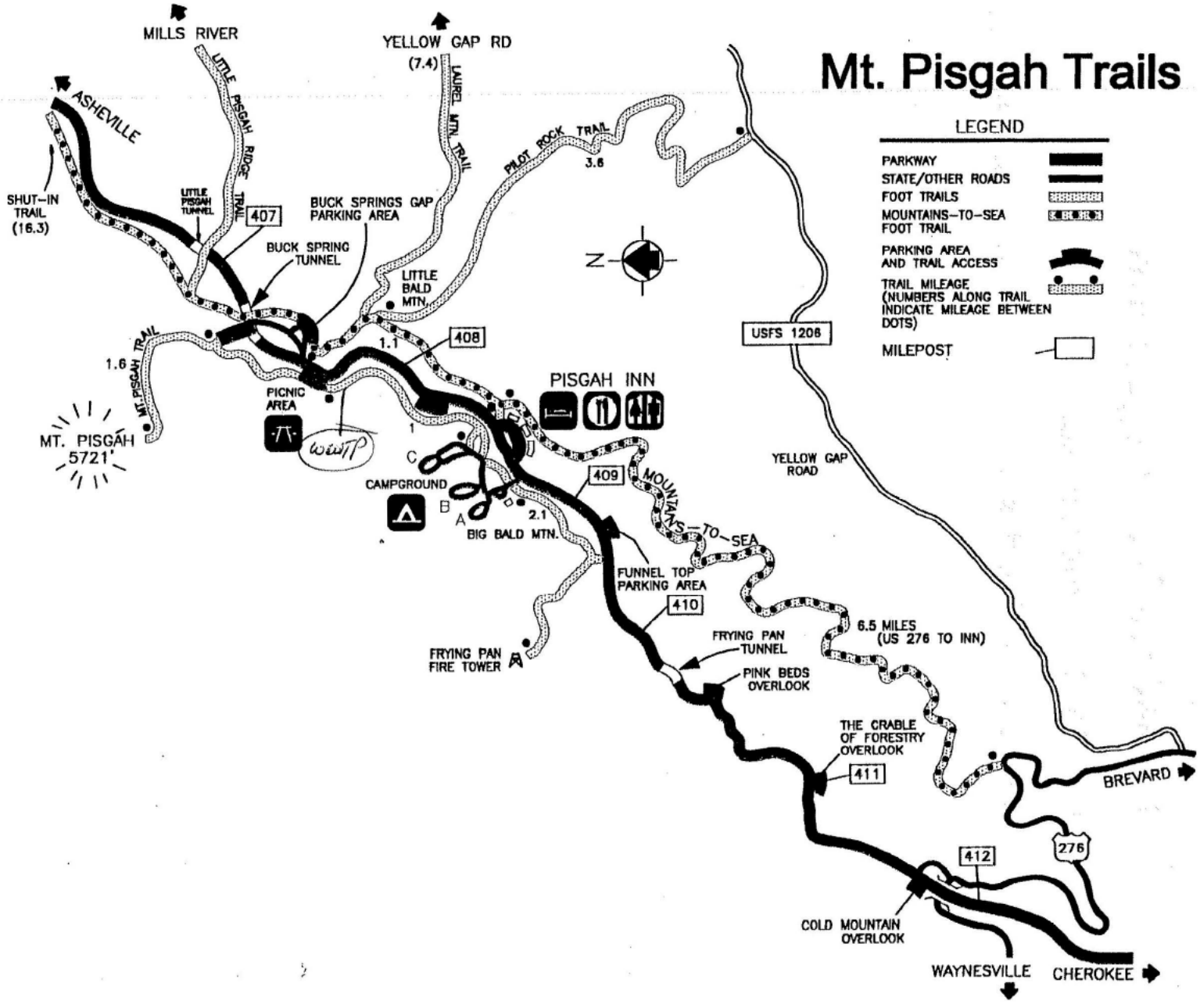
00051055 NPS-30303-000004 (0186) Page 2 of 2

MP-408.6 Mt. Pisgah Inn

LODGING (50 rooms/1 suite)

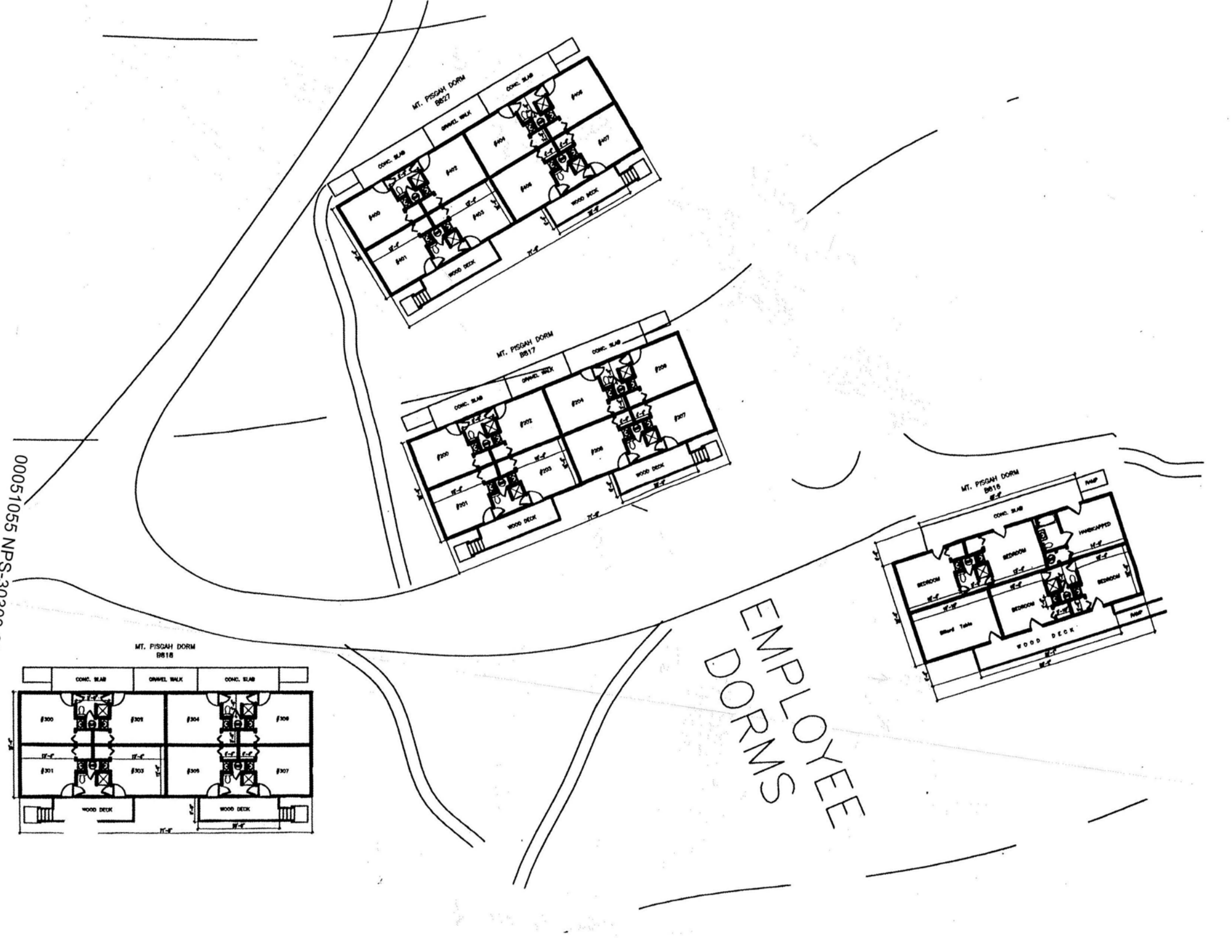
RESTAURANT, Gift shop, Coffee shop and Camp store

TRAILS



00051055 NPS-30303-000004 (0187) Page 2 of 4

00051055 NPS-30303-000004 (0187) Page 3 of 4


MT. PISGAH DORM
B827
CONC. SLAB
GRAVEL WALK
CONC. SLAB
#402
#404
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#407
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#401
#403
WOOD DECK
WOOD DECK
MT. PISGAH DORM
B817
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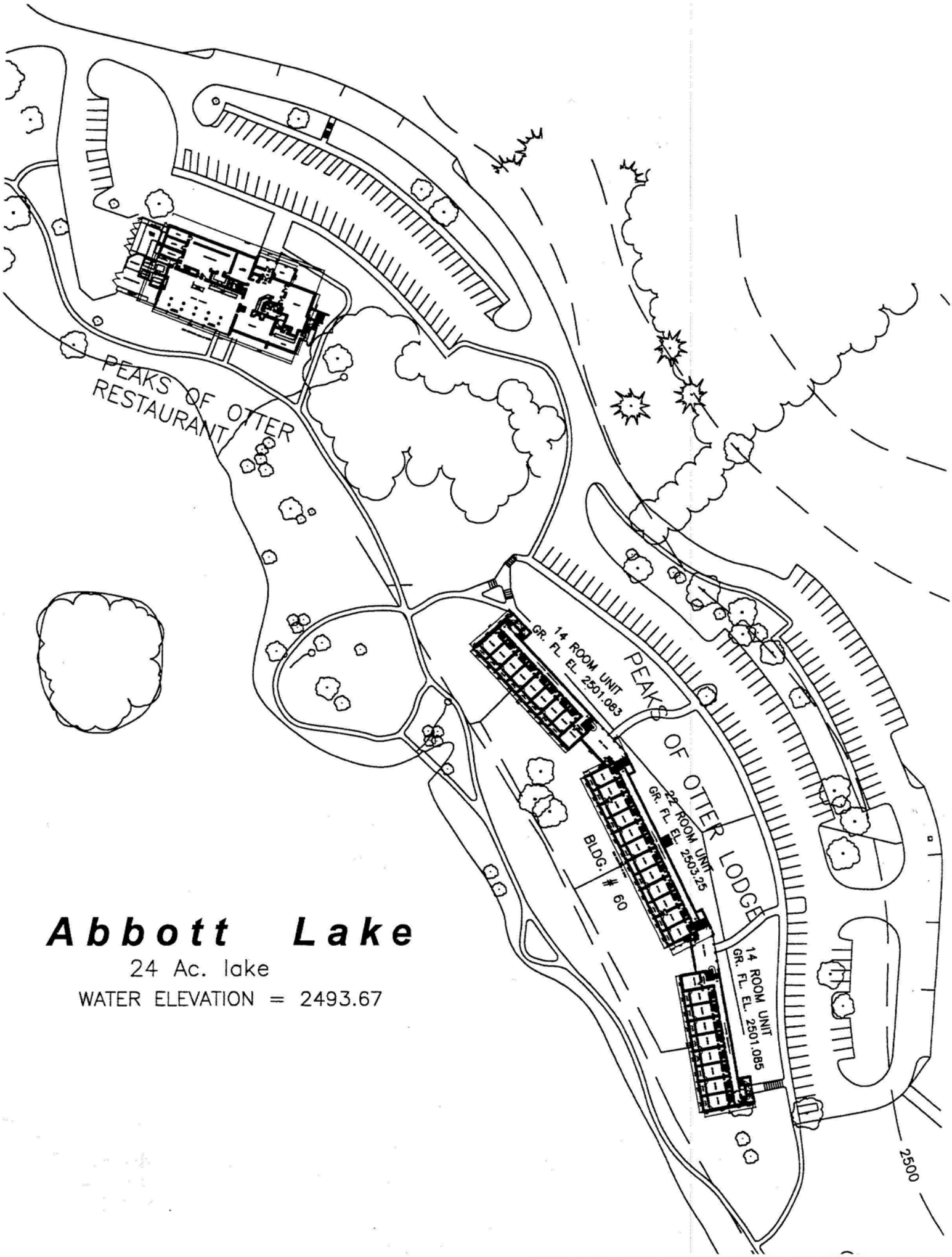
BEDROOM
BEDROOM
BEDROOM
BEDROOM
BEDROOM
Utility Table
RAMP
WOOD DECK
EMPLOYEE
DORMS
00051055 NPS-30200

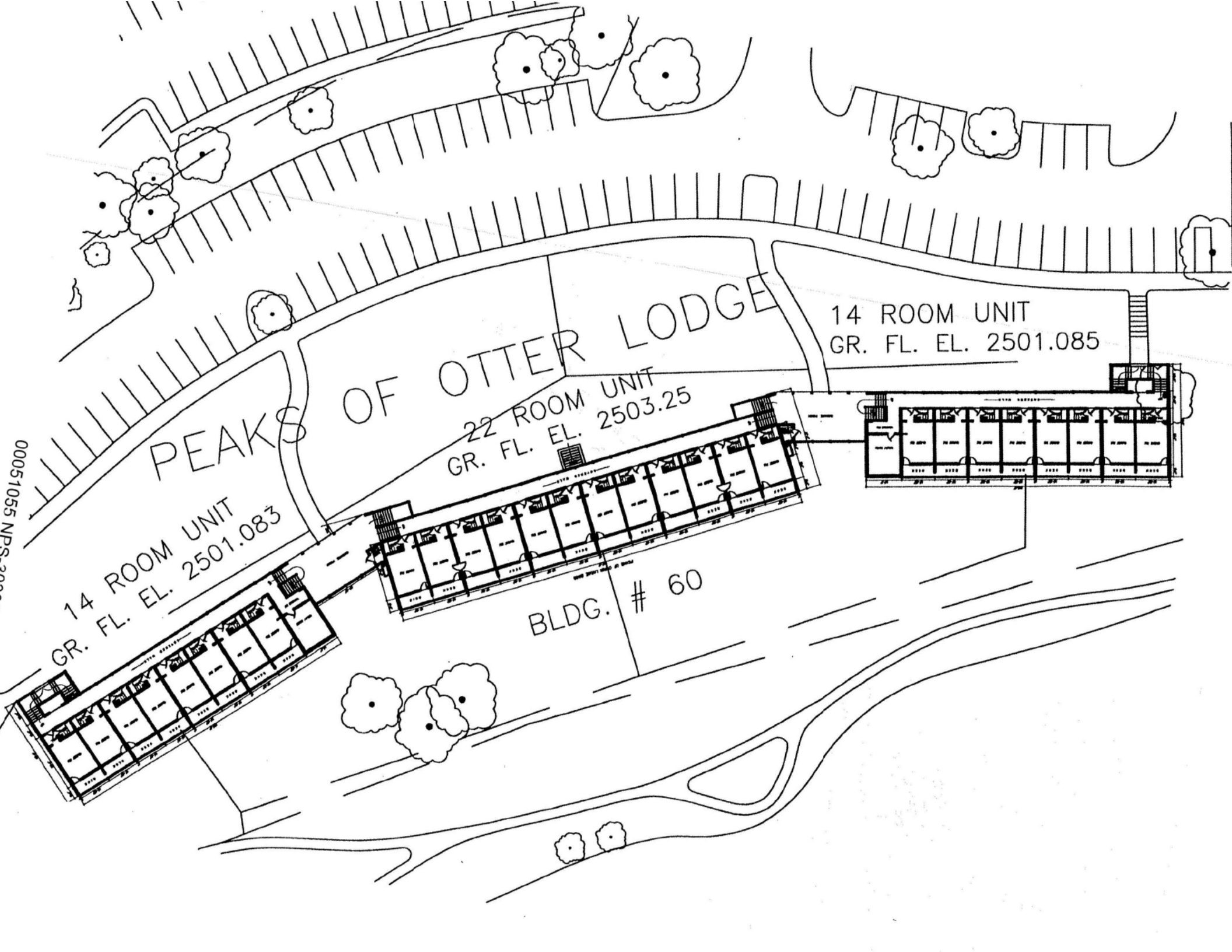
MP-85.6 Peaks of Otter

LODGE; Parking for how many cars?

TRAILS

00051055 NPS-30303-000004 (0188) Pa


PEAKS OF OTTER RESTAURANT
GR. FL. EL. 2501.083
14 ROOM UNIT
PEAKS OF OTTER LODGE
GR. FL. EL. 2503.25
22 ROOM UNIT
BLDG. # 60
GR. FL. EL. 2501.085
14 ROOM UNIT
2500
Abbott Lake
24 Ac. lake
WATER ELEVATION = 2493.67


PEAKS OF OTTER LODGE
14 ROOM UNIT
GR. FL. EL. 2501.083
22 ROOM UNIT
GR. FL. EL. 2503.25
14 ROOM UNIT
GR. FL. EL. 2501.085
BLDG. # 60
00051055 NPS-2000

Young, Deirdre R

From: Benge, Shawn <shawn_benge@nps.gov>
Sent: Wednesday, October 02, 2013 12:02 PM
To: Stinnett, Steve
Subject: Re: BLRI Concessions Maps and Information

Steve,

I just sent you an invite for a 1:00 call with WASO. Could you please join us?

On Wed, Oct 2, 2013 at 11:54 AM, Stinnett, Steve <steve_stinnett@nps.gov> wrote:
Shawn,

I have attached maps for four parkway concession areas.

In total the Blue Ridge Parkway has 11 concession operations:the ones in red are not currently operating due to a lack of operators:

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--

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

Young, Deirdre R

From: Benge, Shawn <shawn_benge@nps.gov>
Sent: Wednesday, October 02, 2013 12:01 PM
To: McDowall, Lena; Suzanne Waldron; Steve Stinnett
Cc: Cam Sholly; David Horne
Subject: Re: SER Issue (BLRI)

1:00 eastern (Sue--please feel fee to join us)

Call in: Non-responsive
P Passcode: Non-responsive

On Wed, Oct 2, 2013 at 11:50 AM, McDowall, Lena <lena_mcdowall@nps.gov> wrote:
I'm available.

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

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

Let me know,

Thanks,

Shawn

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

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

--

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

Young, Deirdre R

From:	Stinnett, Steve <steve_stinnett@nps.gov>
Sent:	Wednesday, October 02, 2013 11:55 AM
To:	Shawn Benge
Cc:	David Horne; William Reynolds
Subject:	BLRI Concessions Maps and Information
Attachments:	Folk Art Center.pdf; Mabry Mill.pdf; Mount Pisgah Inn.pdf; Peaks of Otter Lodge.pdf

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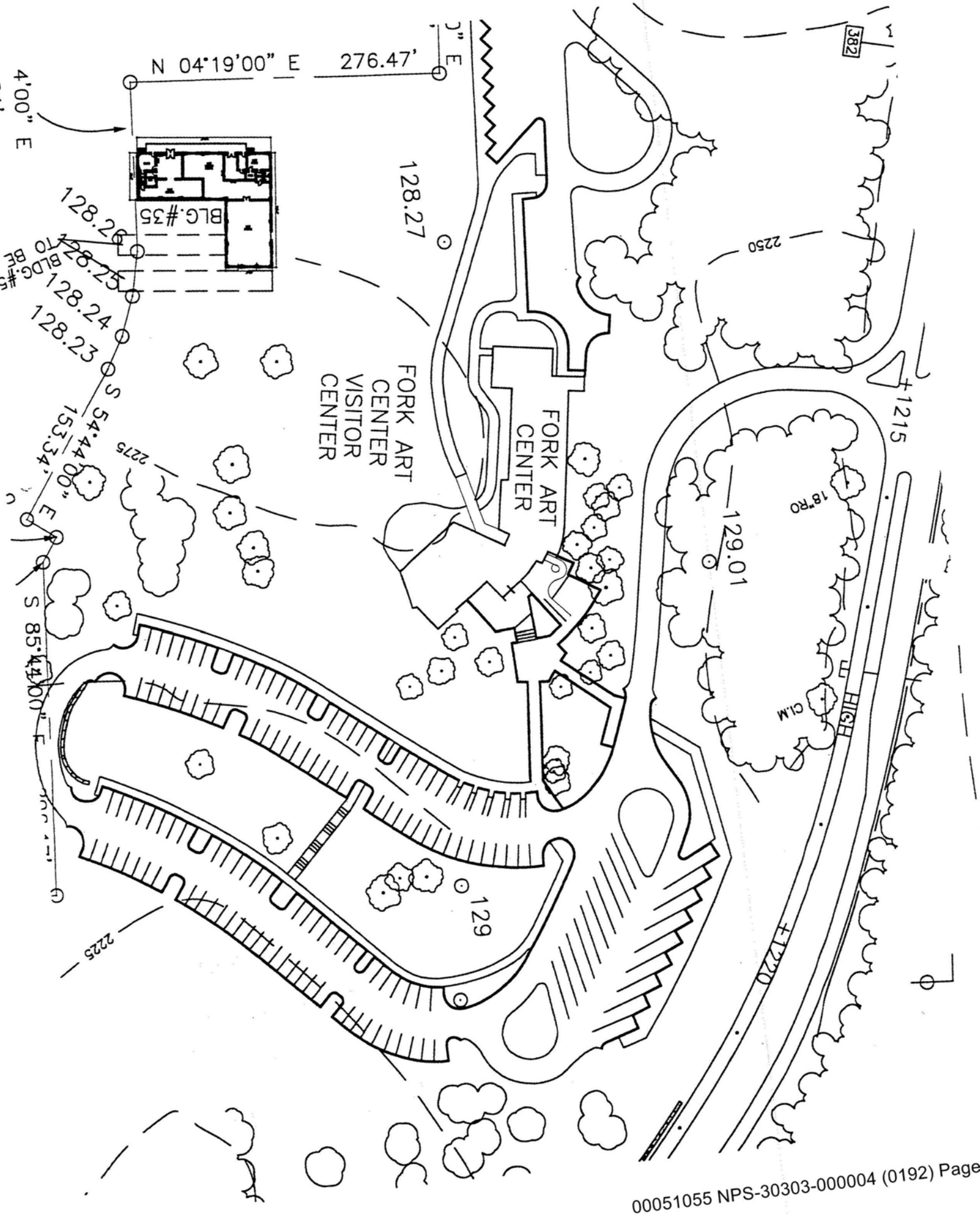
MAINTENANCE AREA

PISGAH DISTRICT OFFICE

RESIDENCES; 181, 182, 412, 413, 414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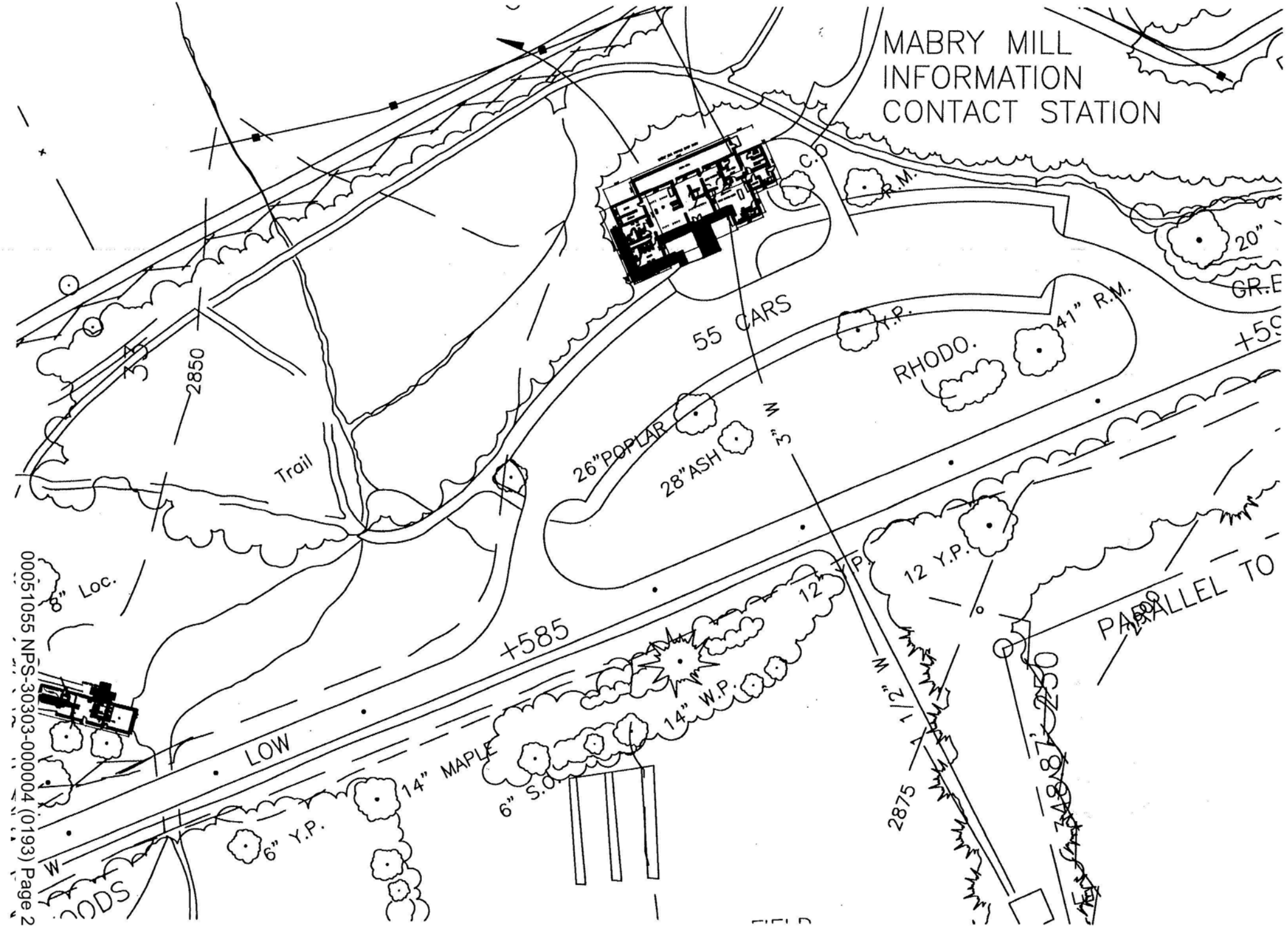
4'00" E
BLG.#35
128.26
128.25
128.24
128.23
128.27
S 54°44'00" E
153.34'
S 85°44'00" E
FORK ART CENTER VISITOR CENTER
FORK ART CENTER
2275
2250
2225
382
1215
18"RO
129.01
129
CI.M
1220

MP-176.2 Mabry Mill Area

RESTAURANT / GIFT SHOP, Parking for 58 cars



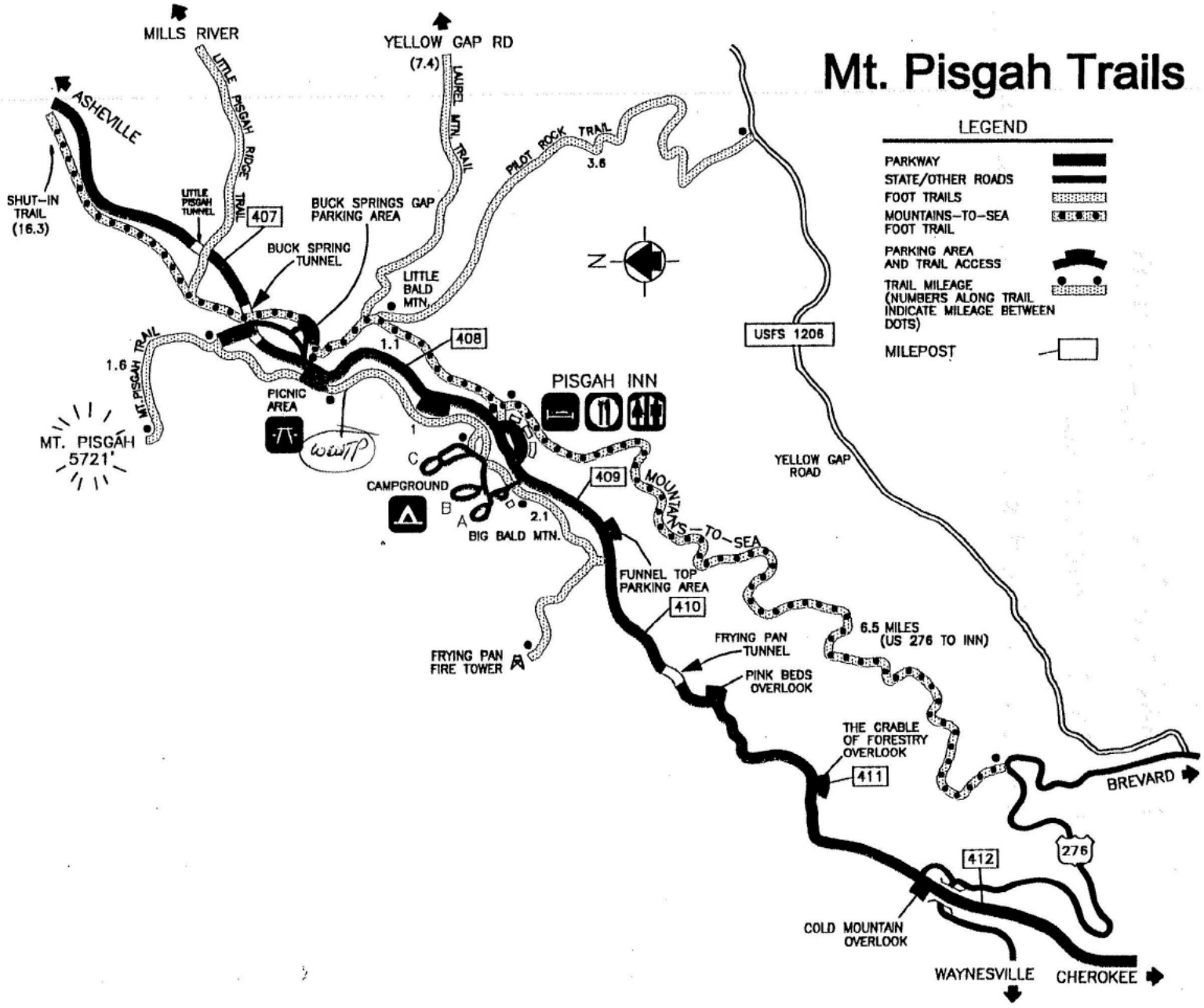
00051055 NPS-30303-000004 (0193) Page 2 of 2

MP-408.6 Mt. Pisgah Inn

LODGING (50 rooms/1 suite)

RESTAURANT, Gift shop, Coffee shop and Camp store

TRAILS



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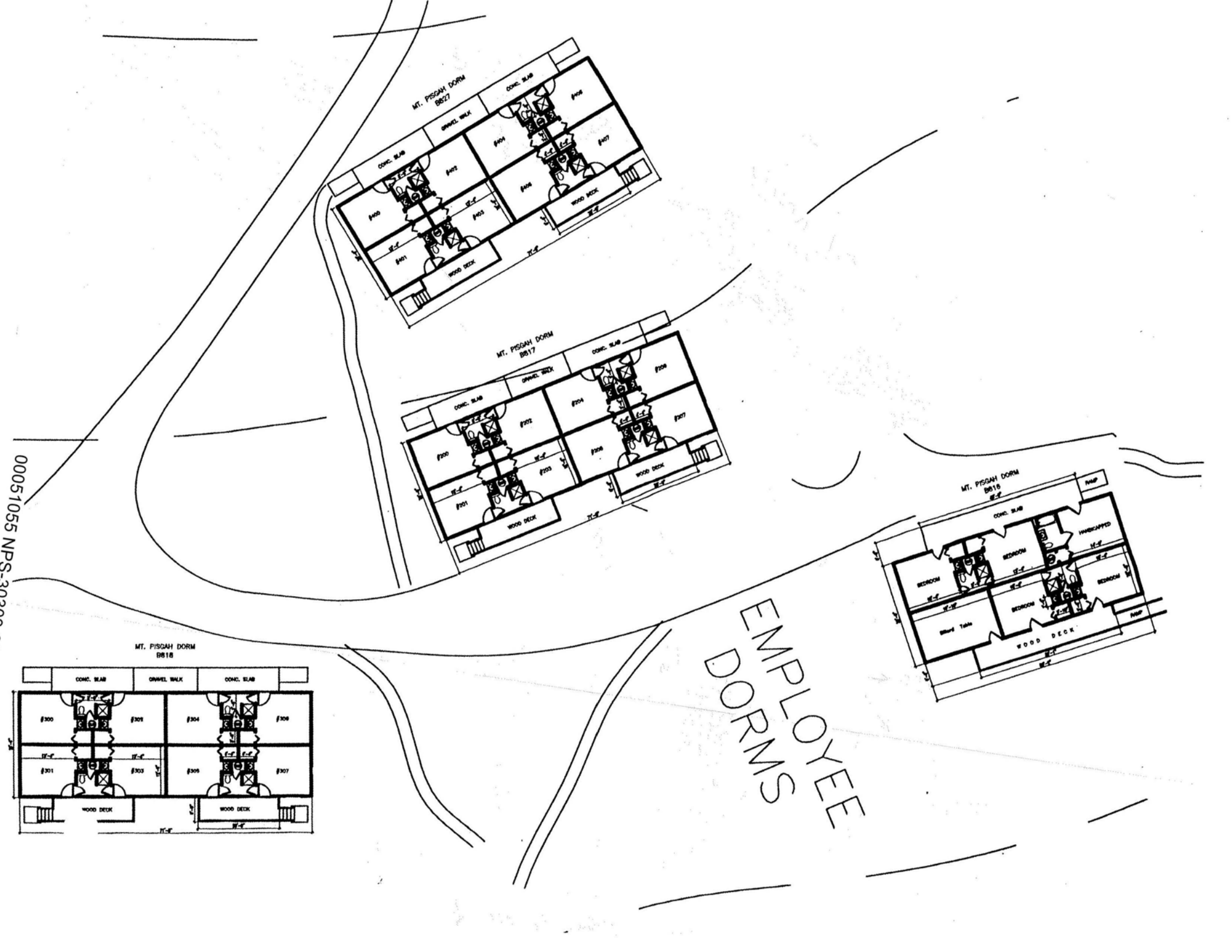
00051055 NPS-30303-000004 (0194) Page 3 of 4


MT. PISGAH DORM
B827
CONC. SLAB
GRAVEL WALK
CONC. SLAB
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#403
WOOD DECK
WOOD DECK
MT. PISGAH DORM
B817
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GRAVEL WALK
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WOOD DECK
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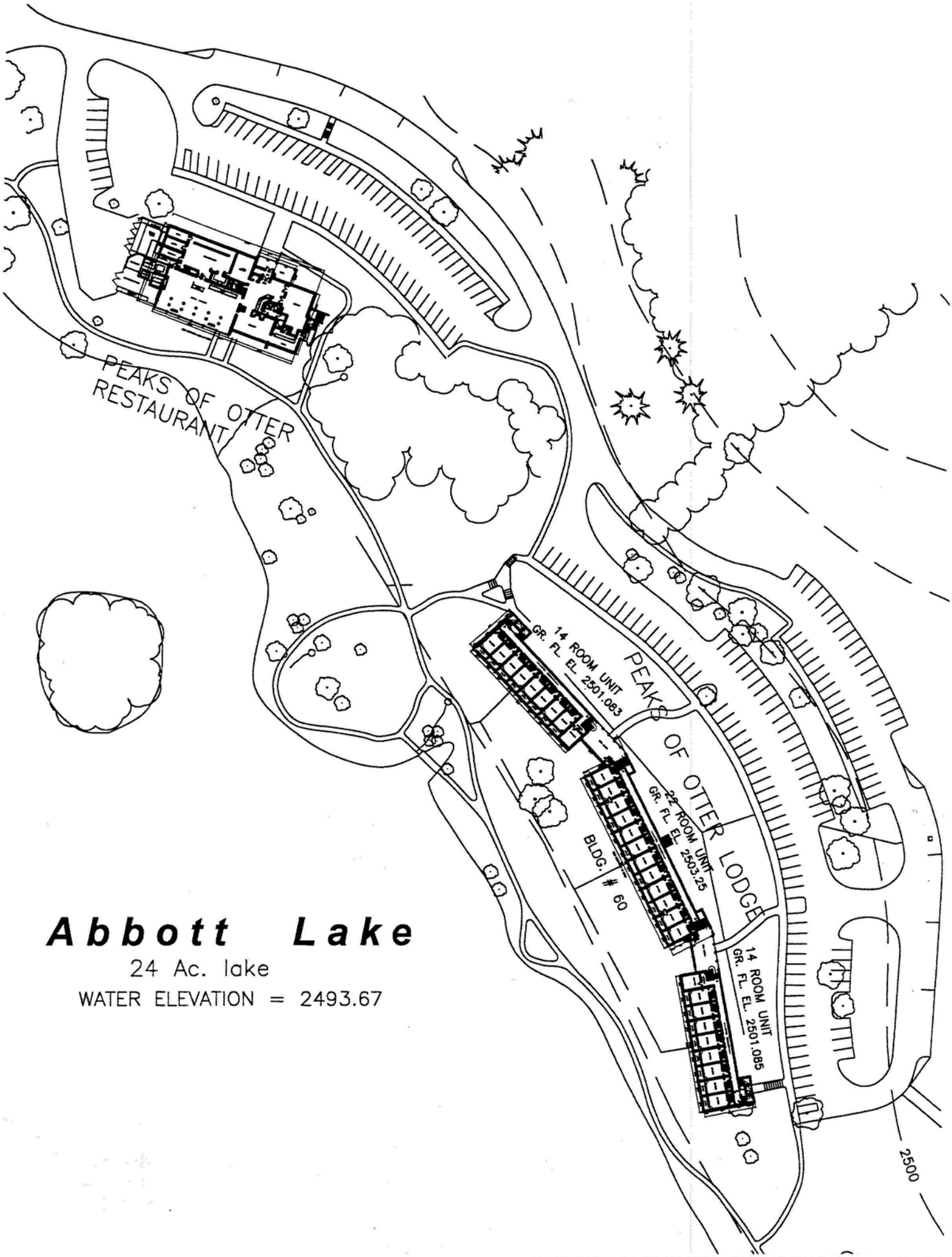
RAMP
CONC. SLAB
HANDICAPPED
BEDROOM
BEDROOM
BEDROOM
BEDROOM
BEDROOM
Utility Table
RAMP
WOOD DECK
EMPLOYEE
DORMS
00051055 NPS-30200

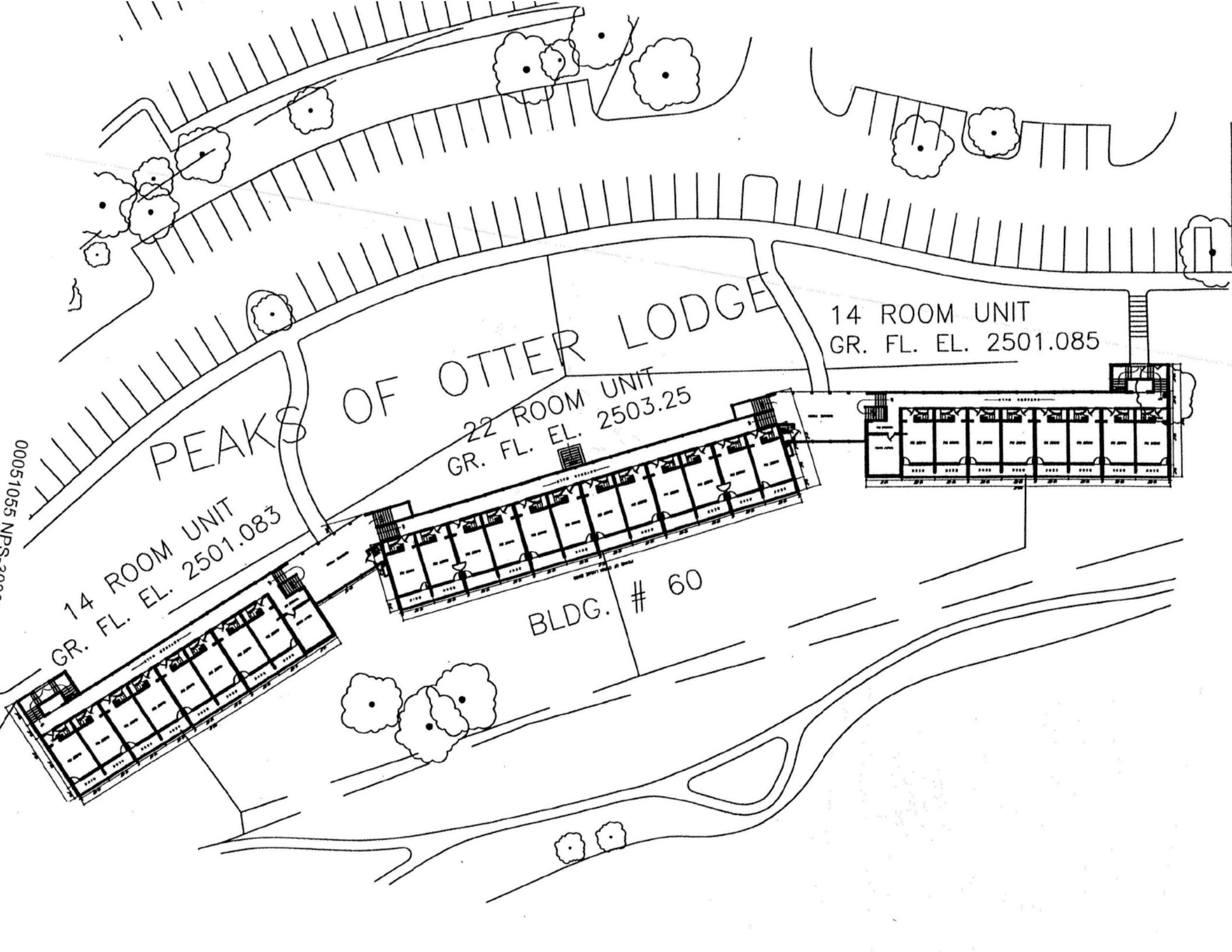
MP-85.6 Peaks of Otter

LODGE; Parking for how many cars?

TRAILS

00051055 NPS-30303-000004 (0195) Pa


PEAKS OF OTTER RESTAURANT
GR. FL. EL. 2501.083
14 ROOM UNIT
PEAKS OF OTTER LODGE
BLDG. # 60
GR. FL. EL. 2503.25
22 ROOM UNIT
GR. FL. EL. 2501.085
14 ROOM UNIT
2500
Abbott Lake
24 Ac. lake
WATER ELEVATION = 2493.67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14 ROOM UNIT
GR. FL. EL. 2501.083
22 ROOM UNIT
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14 ROOM UNIT
GR. FL. EL. 2501.085
BLDG. # 60
00051055 NPS-2000

Young, Deirdre R

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

Shawn,

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

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

Office: 404-507-5622
Mobile: (b)(6), (b)(7)(C)

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

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

Let me know,

Thanks,

Shawn

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

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

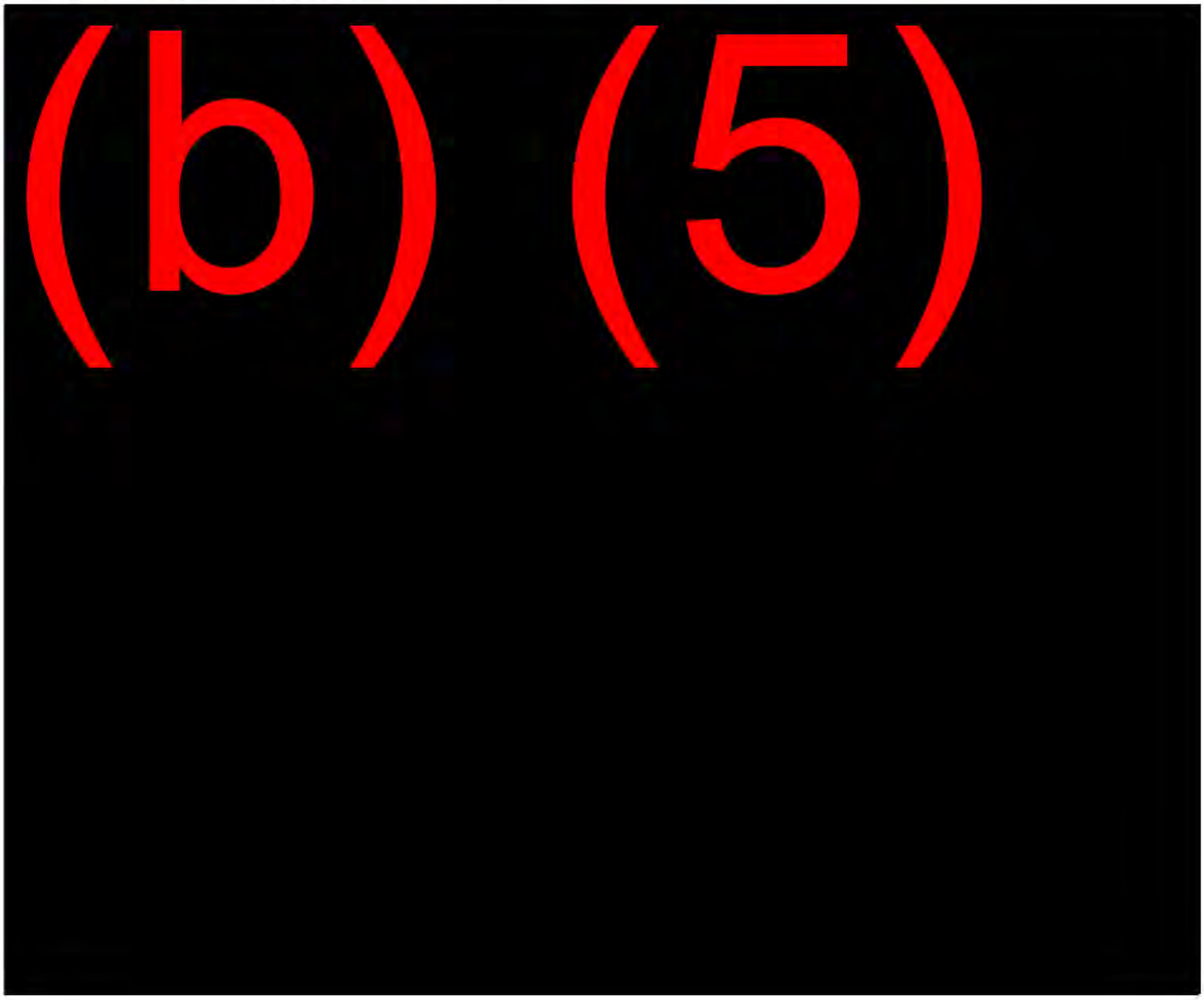
Situation

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

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

Approach

Excepted Regional Office staff met with BLRI staff on a conference call at 1000 hours and developed the following proposed actions:



Result

Mr. O'Connell expressed in writing his desire to "take a stand" politically, therefore his goal is to get his message to as wide an audience as possible presumably through media outlets. (b) (5) [redacted]

(b) (5) [redacted]

Message from Mr. O'Connell:

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

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

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

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

What would happen?

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

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

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

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

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

Thanks,

Bruce

Potentially Applicable Violations

36 CFR § 1.5 (f)

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

36 CFR § 5.3

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

36CFR2.32—Interfering with agency functions

(a) The following are prohibited:

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

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

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

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

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

Young, Deirdre R

From: McDowall, Lena <lena_mcdowall@nps.gov>
Sent: Wednesday, October 02, 2013 11:50 AM
To: Benge, Shawn
Cc: Cam Sholly; David Horne
Subject: Re: SER Issue (BLRI)

I'm available.

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

Shawn

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

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

Young, Deirdre R

From: Sholly, Cam <cam_sholly@nps.gov>
Sent: Wednesday, October 02, 2013 11:35 AM
To: Benge, Shawn
Subject: Re: SER Issue (BLRI)

yeah - it's been pretty dynamic here so at this point that time works.

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

On Wed, Oct 2, 2013 at 11:29 AM, Benge, Shawn <shawn_benge@nps.gov> wrote:
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Shawn Benge
Deputy Regional Director
Southeast Region
National Park Service
Office: 404 507 5605
Cell: 404 272 7253

Young, Deirdre R

From: Benge, Shawn <shawn_benge@nps.gov>
Sent: Wednesday, October 02, 2013 11:30 AM
To: Sharpe, Jessica
Subject: Re: Site Plan for Mt Pisgah Inn

Can you make some hard copies. Thanks!

On Wed, Oct 2, 2013 at 11:22 AM, Sharpe, Jessica <jessica_sharpe@partner.nps.gov> wrote:
Shawn -
Here is a site plan I put together, just in case.
Thanks
Jessica

LTJG Jessica Sharpe, USPHS
Southeast Regional Public Health Consultant
NPS Office of Public Health
100 Alabama St. SW, 1924 Bldg.
Atlanta, GA 30303
(O) 404-507-5730
(M) 202-641-3671

"The NPS One Health Network: Promoting and protecting the health of all species and the parks that we share."

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

Young, Deirdre R

From: Benge, Shawn <shawn_benge@nps.gov>
Sent: Wednesday, October 02, 2013 11:29 AM
To: Cam Sholly; Lena McDowall
Cc: David Horne
Subject: SER Issue (BLRI)

Cam/Lena,

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

Let me know,

Thanks,

Shawn

--

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

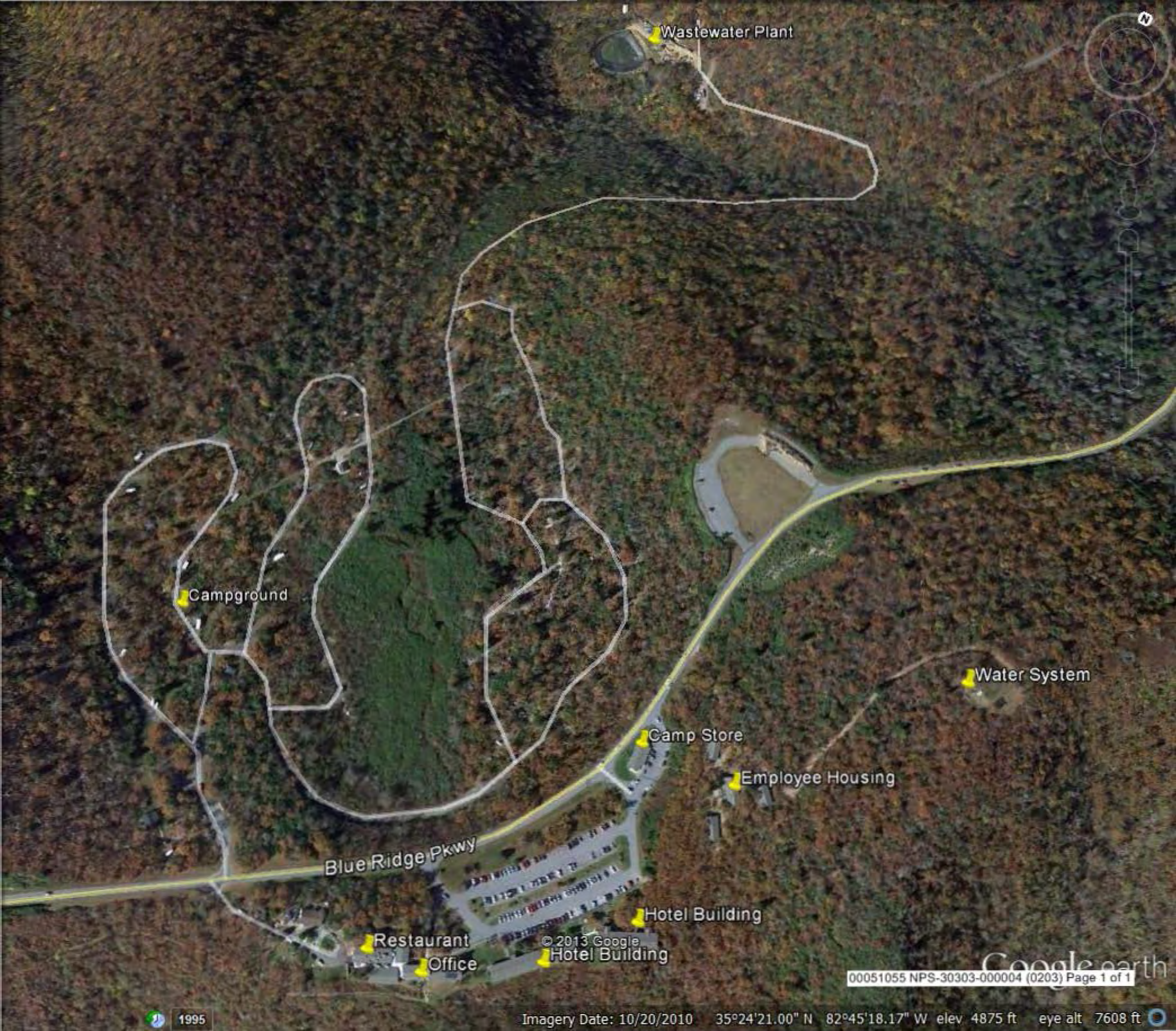
Young, Deirdre R

From: Sharpe, Jessica <jessica_sharpe@partner.nps.gov>
Sent: Wednesday, October 02, 2013 11:23 AM
To: Shawn Benge
Subject: Site Plan for Mt Pisgah Inn
Attachments: Mt Pisgah Site Map.jpg

Shawn -
Here is a site plan I put together, just in case.
Thanks
Jessica

LTJG Jessica Sharpe, USPHS
Southeast Regional Public Health Consultant
NPS Office of Public Health
100 Alabama St. SW, 1924 Bldg.
Atlanta, GA 30303
(O) 404-507-5730
(M) 202-641-3671

"The NPS One Health Network: Promoting and protecting the health of all species and the parks that we share."


Wastewater Plant
N
Campground
Water System
Camp Store
Employee Housing
Blue Ridge Pkwy
Hotel Building
Restaurant
Office
© 2013 Google
Hotel Building
Google earth
00051055 NPS-30303-000004 (0203) Page 1 of 1
1995
Imagery Date: 10/20/2010 35°24'21.00" N 82°45'18.17" W elev 4875 ft eye alt 7608 ft

Young, Deirdre R

From: Stinnett, Steve <steve_stinnett@nps.gov>
Sent: Wednesday, October 02, 2013 10:46 AM
To: Benge, Shawn
Cc: David Horne; William Reynolds
Subject: Re: From Bruce O'Connell at Pisgah Inn

Shawn,

I briefed the issue with Superintendent Mark Woods and I will be keeping him in the loop throughout the situation. In the mean time I will be bringing back Assistant Chief Ranger Deb Flowers to serve as the Parkway's Shutdown POC while I am managing the concession related issues. I will add her and her contact information to the POC list on Drive. Since the media already has my contact information I will continue to serve as PIO.

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 8:32 AM, Benge, Shawn <shawn_benge@nps.gov> wrote:

Steve,

We will call you around 1000.

On Wed, Oct 2, 2013 at 6:40 AM, Steve Stinnett <steve_stinnett@nps.gov> wrote:
Shawn,

I want to give you a heads up on a situation that could become very interesting to the media, especially given the local Representatives involvement in the disagreement in Washington. If you have some time this morning please give me a call. 828-348-3426.

Begin forwarded message:

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

Hi Steve,

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

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

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

What would happen?

I am not trying to make anyone's life difficult...but I am old and have convictions and little to lose. I am starting to worry about the way things are going.

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

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

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

Thanks,

Bruce

--

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

Young, Deirdre R

From: Stinnett, Steve <steve_stinnett@nps.gov>
Sent: Wednesday, October 02, 2013 8:49 AM
To: Benge, Shawn
Cc: David Horne
Subject: Re: From Bruce O'Connell at Pisgah Inn

Copy

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

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Begin forwarded message:

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

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

Thanks,

Bruce

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

Young, Deirdre R

From: Benge, Shawn <shawn_benge@nps.gov>
Sent: Wednesday, October 02, 2013 8:33 AM
To: Steve Stinnett
Cc: David Horne
Subject: Re: From Bruce O'Connell at Pisgah Inn

Steve,

We will call you around 1000.

On Wed, Oct 2, 2013 at 6:40 AM, Steve Stinnett <steve_stinnett@nps.gov> wrote:
Shawn,

I want to give you a heads up on a situation that could become very interesting to the media, especially given the local Representatives involvement in the disagreement in Washington. If you have some time this morning please give me a call. 828-348-3426.

Begin forwarded message:

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

Bruce

--

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

Young, Deirdre R

From: Steve Stinnett <steve_stinnett@nps.gov>
Sent: Wednesday, October 02, 2013 6:41 AM
To: Shawn Benge
Subject: Fwd: From Bruce O'Connell at Pisgah Inn

Shawn,

I want to give you a heads up on a situation that could become very interesting to the media, especially given the local Representatives involvement in the disagreement in Washington. If you have some time this morning please give me a call. 828-348-3426.

Begin forwarded message:

> **From:** Bruce O'Connell (b)(6) >
> **Date:** October 1, 2013, 11:22:53 PM EDT
> **To:** <steve_stinnett@nps.gov>
> **Subject: From Bruce O'Connell at Pisgah Inn**
>
> Hi Steve,
>
> Crazy times we are living in....would you not agree?
>
> Steve.....I am considering taking a stand. I understand the motor road will not be gated shut.
>
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>
> What would happen?
>
> I am not trying to make anyone's life difficult...but I am old and have convictions and little to lose. I am starting to worry about the way things are going.
>
> if not now, when? If not me, then who?
>
> I know I sound crazy, but I am serious. What would you and the NPS do if I do not close? Can we discuss what would happen?
>
> Please open a dialogue with me. Sorry about all of this (for all of us).
>
> Thanks,
>
> Bruce

Young, Deirdre R

From: Gordon Wissinger <gordon_wissinger@nps.gov>
Sent: Tuesday, October 15, 2013 1:39 AM
To: shawn_benge@nps.gov
Subject: Fw:

Original correspondence from LeConte
Gordon Wissinger.
Deputy Regional Director/Chief of Staff

From: Wissinger, Gordon [mailto:gordon_wissinger@nps.gov]
Sent: Friday, October 11, 2013 02:22 PM
To: McDowall, Lena <lena_mcdowall@nps.gov>
Subject: Re:

We can decide our action after the call

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

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On Fri, Oct 11, 2013 at 5:08 PM, McDowall, Lena <lena_mcdowall@nps.gov> wrote:
Gordon -

You can tell them that we are in receipt of their request, but if they reopen without approval they are violating the closure order and will be in default under the terms of their contract. I plan to bring up the issue of what to do about concessioners who are in violation at the 5:30pm call.

--Lena

On Fri, Oct 11, 2013 at 5:06 PM, Wissinger, Gordon <gordon_wissinger@nps.gov> wrote:
Lena:
What are your thoughts on providing a response. They were told to shut down operations by the park in the beginning of the shutdown. I don't know what we can do now that would be more valid. This one will be an issue if they open since they will not meet the criteria we have discussed since they sit in a closed section of the park and significant travel through a closed section of the park would be required to get to the lodge. I worry if we don't respond they will take that as a sign to open. Not a good president to have out there

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

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On Fri, Oct 11, 2013 at 12:51 PM, McDowall, Lena <lena_mcdowall@nps.gov> wrote:

---------- Forwarded message ----------
From: **William B. Stokely IV** <WStokely@stokelyhospitality.com>
Date: Fri, Oct 11, 2013 at 12:43 PM
Subject:
To: "Jonathan B. Jarvis (jon_jarvis@nps.gov)" <jon_jarvis@nps.gov>
Cc: "Margaret O'Dell (peggy_o'dell@nps.gov)" <peggy_o'dell@nps.gov>, "Lena McDowell (lena_mcdowall@nps.gov)" <lena_mcdowall@nps.gov>, "Stan Austin (stan_austin@nps.gov)" <stan_austin@nps.gov>, "Dale Ditmanson (dale_ditmanson@nps.gov)" <dale_ditmanson@nps.gov>, "Patty Wissinger (patty_wissinger@nps.gov)" <patty_wissinger@nps.gov>, "Joel Ossoff (joel_ossoff@nps.gov)" <joel_ossoff@nps.gov>, "clayton_jordan@nps.org" <clayton_jordan@nps.org>

Director Jarvis,

Please see the attached letter and corresponding opinion letter from our legal counsel regarding our concessions contract for LeConte Lodge.

Sincerely,

William B. Stokely IV

President

LeConte Lodge L.P.

250 Apple Valley Road

Sevierville, TN 37862

865-429-5700

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

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

Young, Deirdre R

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

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

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

Begin forwarded message:

> **From:** "Wissinger, Gordon" <gordon_wissinger@nps.gov>
> **Date:** October 12, 2013, 9:54:39 AM EDT
> **To:** WStokely@stokelyhospitality.com
> **Cc:** Clayton Jordan <clayton_jordan@nps.gov>, Lena McDowall <lena_mcdowall@nps.gov>, Dale Ditmanson <dale_ditmanson@nps.gov>, Patty Wissinger <Patty_Wissinger@nps.gov>
> **Subject: Continued Operation of LeConte Lodge**
>
> Mr. Stokely:
>
> We are in receipt of your letter dated October 11, 2013 to Director Jarvis. I have been asked by the Director to respond to your inquiry.
>
> On October 1, 2013 Director Jarvis issued a closure notice pursuant to 36 CFR section 1.5 closing all units of the National Park System to public visitation and use subject to very limited conditions and exceptions. As you are likely aware one of those exceptions are roads that pass through units of the National Park System and provide primary access between points located outside of parks. This is why the Newfound Gap road and the Gatlinburg bypass have remained open. There is no exception in the closure order that would apply to the operation or use of Leconte lodge.
>
> Therefore use or operation of Leconte lodge would be a violation of the closure order by your staff and the public. Additionally if you were to open Leconte lodge you will be in default under the terms of your concession contract and subject to penalties associated with default.
>
> We understand the impact the shutdown has caused for visitors and the many businesses that provide service to visitors of Great Smoky Mountains National Park and are hopeful it will end soon and businesses such as your can resume operations.

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

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Young, Deirdre R

From: Mark Woods <mark_woods@nps.gov>
Sent: Wednesday, October 09, 2013 7:04 PM
To: Shawn Benge; Gordon Wissinger
Subject: BLRI

Shawn/Gordon,

As follow up to our call earlier I confirmed the following with Steve.
Delaware North's Regional Director did call inquiring about concessions. He may have called Sue Waldron. Mary Mill also called and advised they are being encouraged by members of congress to open.
She prefers to move ahead legally, but will likely start the opening process tomorrow so that she can be ready for the weekend.

Tom Bailey with the Folk Art Center called and asked what is happening. He did not indicate that they are going to open without permission.

None of the areas are blocked off except Craft Shop in Cone Manor.
There have been no media calls. They appear to be going direct to concessionaires.

Mark H. Woods
Superintendent
Blue Ridge Parkway

Sent from my iPad

Young, Deirdre R

From: David Horne <david_horne@nps.gov>
Sent: Wednesday, October 09, 2013 6:06 PM
To: Jonathan Pierce; Gordon Wissinger
Cc: Shawn Benge
Subject: Mabry Mill

FYI, this is what Stinnett texted:

"Mabry Mill said they are being strongly encouraged by to members of Congress to open w/o permission A lot of pressure from local communities and businesses as well"

David Horne
Chief Ranger (acting)
Southeast Region

Mobile: (b)(6), (b)(7)(C)

Sent from my iPhone

Young, Deirdre R

From: Benge, Shawn <shawn_benge@nps.gov>
Sent: Wednesday, October 09, 2013 3:02 PM
To: Gordon Wissinger
Subject: Fwd: Pisgah
Attachments: Pisgah letter DOI 100913.docx

FYI. This is a surprise.

---------- Forwarded message ----------
From: **Roth, Barry** <barry.roth@sol.doi.gov>
Date: Wed, Oct 9, 2013 at 1:24 PM
Subject: Pisgah
To: Shawn Benge <shawn_benge@nps.gov>
Cc: "McDowall, Lena" <Lena_McDowall@nps.gov>, "Sholly, Cam" <Cam_Sholly@nps.gov>, Melissa Lackey <melissa.lackey@sol.doi.gov>

PRIVILEGED ATTORNEY CLIENT COMMUNICATION

(b) (5)

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

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--

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

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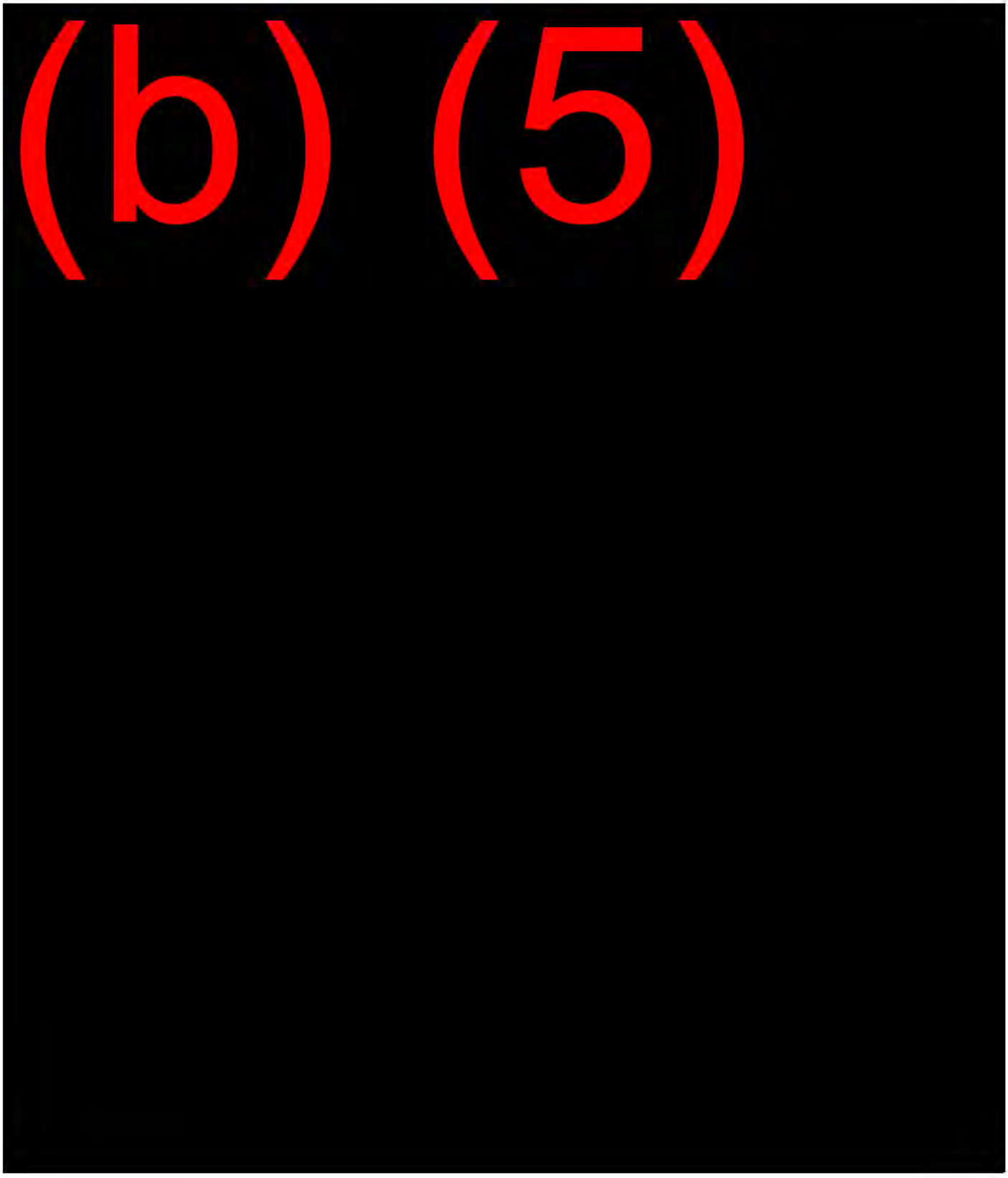

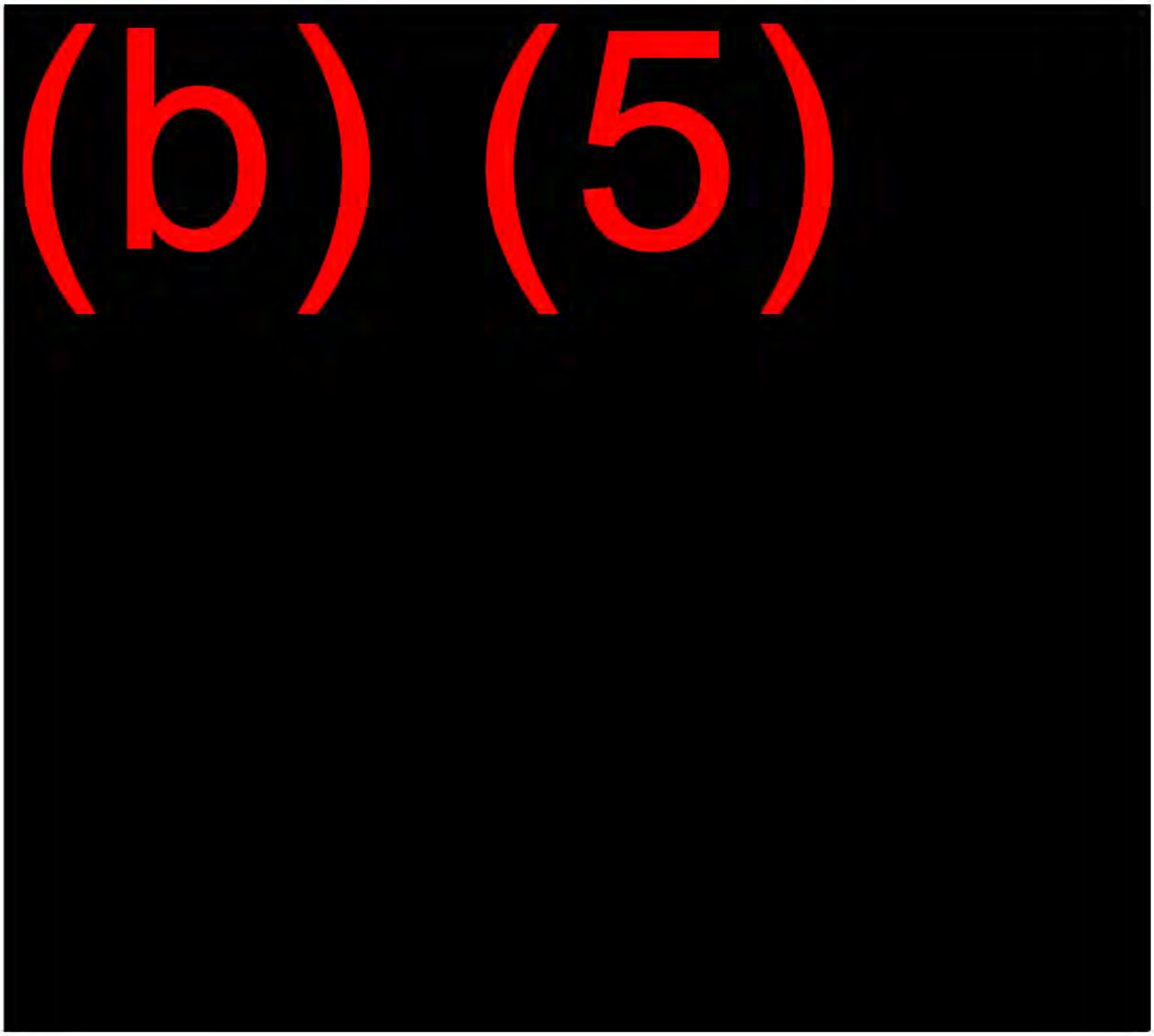
(b) (5)

Young, Deirdre R

From: Roth, Barry <barry.roth@sol.doi.gov>
Sent: Wednesday, October 09, 2013 1:25 PM
To: Shawn Benge
Cc: McDowall, Lena; Sholly, Cam; Melissa Lackey
Subject: Pisgah
Attachments: Pisgah letter DOI 100913.docx

PRIVILEGED ATTORNEY CLIENT COMMUNICATION

(b) (5)

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

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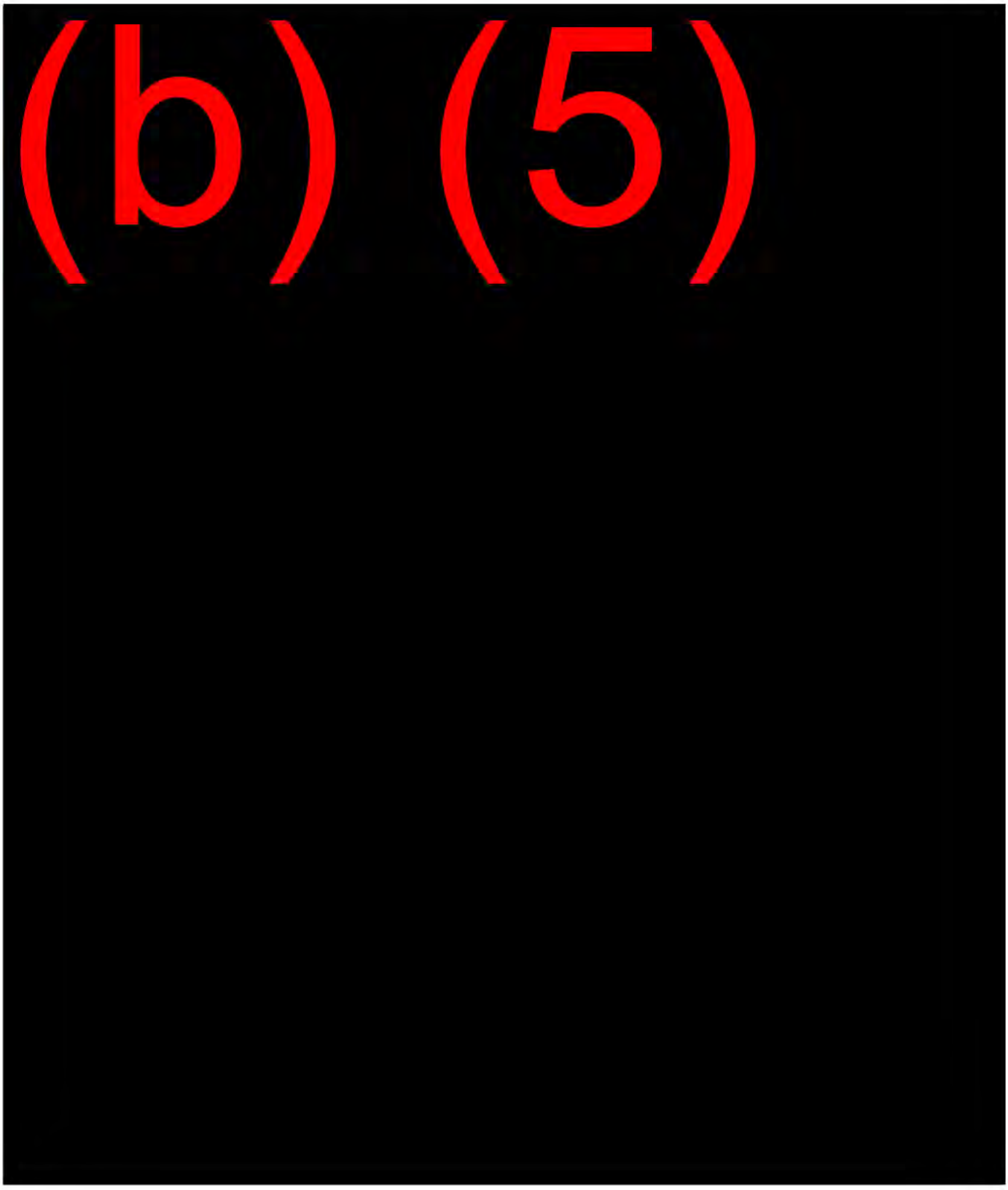

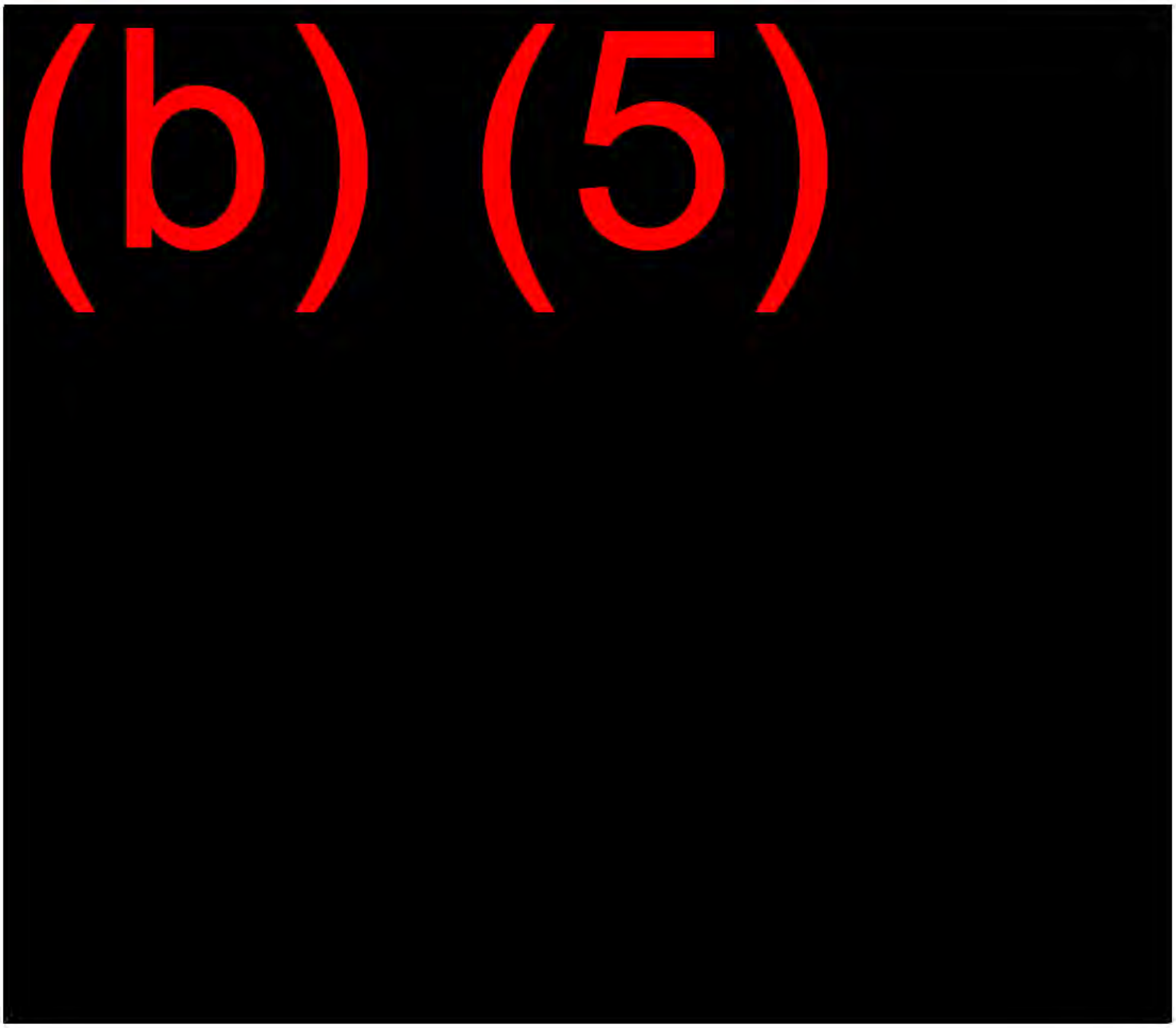
(b) (5)

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

(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

--
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

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:

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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
(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: Mark Woods <mark_woods@nps.gov>
Sent: Wednesday, October 09, 2013 12:09 PM
To: Shawn Benge
Cc: William Reynolds
Subject: Pisgah

Shawn,

Pishah Inn has on Facebook they will reopen at 5 today. Tom Bailey with the Guild has called and asked if they can reopen. Do we have any additional guidance?

Sent from my iPhone

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

--
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: 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

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

Young, Deirdre R

From: Mark Woods <mark_woods@nps.gov>
Sent: Tuesday, October 08, 2013 7:04 PM
To: Shawn Benge
Subject: BLRI

I just spoke to Steve. We had already reduced to one ranger earlier today. Per my discussion with Steve the ranger on duty will be directed to resume patrols of the Parkway, and we will not have a presence at the inn.

We will await further guidance reference talking points from WASO.

Sent from my iPhone

Young, Deirdre R

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

---------- Forwarded message ----------
From: **McDowall, Lena** <lena_mcdowall@nps.gov>
Date: Fri, Oct 4, 2013 at 5:54 PM
Subject: Response to your letter concerning Pisgah Inn
To: kevin@gardenlawfirm.com
Cc: BOconn8876@aol.com, Shawn Benge <shawn_benge@nps.gov>, Mark Woods <mark_woods@nps.gov>, Steve Stinnett <steve_stinnett@nps.gov>

VIA ELECTRONIC MAIL: NO HARD COPY TO FOLLOW

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

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

Re: Concession Contract BLRI003-04

Dear Mr. Garden

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

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

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

Sincerely,

/s/ Lena McDowall

SIGNED ORIGINAL ON FILE

Lena McDowall
Associate Director, Business Services

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

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

United States Department of the Interior

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

Office of the Director

National Park System Closure Determination and Notice

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

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

Condition and Exceptions:

1. National Park Service personnel who have been identified as excepted will continue to report for duty in accordance with the National Park Service Contingency Plan and as directed by their supervisors.

2. Members of the public who are currently visiting a unit of the National Park System and not staying overnight in the park must vacate the park immediately. All day-use concession-operated visitor services and facilities are to be closed immediately. Exceptions may be granted by superintendents only if a facility is deemed essential for health or safety purposes.

3. Subject to paragraph 6 below, members of the public who are currently visiting a unit of the national park system and staying overnight either in a National Park Service-operated campground or a concessioner-operated facility in the park must vacate the park by 6:00 p.m. EDT on October 3, 2013.

4. Subject to paragraph 6 below, National Park Service concessioners must suspend their operations in overnight accommodations by 6:00 p.m. EDT on October 3, 2013.

5. Subject to paragraph 6 below, holders of National Park Service commercial use authorizations must immediately cease their in-park operations.

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

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

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

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

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

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

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

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

Jonathan B. Jarvis
Director

October 1, 2013
Date

Young, Deirdre R

From: Mark Woods <mark_woods@nps.gov>
Sent: Monday, October 07, 2013 8:30 PM
To: Benge, Shawn
Subject: Re: Weber and Parkway Inn, Inc. v. Woods and Nat'l Park Service`

Hi Shawn. Just wanted you to know that I just connected with Melissa Lackey.

Sent from my iPhone

On Oct 7, 2013, at 6:12 PM, "Benge, Shawn" <shawn_benge@nps.gov> wrote:

> Mark Woods, Superintendent mobile: (b)(6)
> Steve Stinnett, Chief Ranger mobile: (b)(6)
>
> Also have copied both on this message, so you should now have their email addresses
>
> On Mon, Oct 7, 2013 at 6:06 PM, McDowall, Lena <lena_mcdowall@nps.gov> wrote:
> Melissa -
>
> I don't have the park contact info, but I'e copied Shawn Benge in SER. He should have the contact numbers.
>
> Thanks,
>
> Lena
>
> On Mon, Oct 7, 2013 at 5:49 PM, Lackey, Melissa <melissa.lackey@sol.doi.gov> wrote:
> I just left a voicemail for Paul Taylor offering my assistance. I will also send him an email. In the meantime I will start working on an Answer that he may be able to use. Can someone at NPS send me phone numbers for someone at the Park who may be called as a witness in Asheville?
>
> **Melissa Lackey**
>
> Attorney Advisor
> U. S. Department of the Interior, Office of the Solicitor
> 1849 C Street NW, Room 5323
> Mail Stop 5311
> Washington, DC 20240
>
> Phone: 202 513-0733 Fax: 202 208-3877
>
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On Mon, Oct 7, 2013 at 5:33 PM, Roth, Barry <barry.roth@sol.doi.gov> wrote:
ATTORNEY CLIENT; ATTORNEY WORK PRODUCT

We have our fist TRO hearing on a concession. Melissa please work directly with AUSA Taylor at the number in the email.

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

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---------- Forwarded message ----------
From: **Caminiti, Mariagrazia** <marigrace.caminiti@sol.doi.gov>
Date: Mon, Oct 7, 2013 at 5:30 PM
Subject: Fwd: Weber and Parkway Inn, Inc. v. Woods and Nat'l Park Service`
To: Barry Roth <barry.roth@sol.doi.gov>

---------- Forwarded message ----------
From: **Sullivan, James (USANCW)** <James.Sullivan2@usdoj.gov>
Date: Mon, Oct 7, 2013 at 5:29 PM
Subject: Weber and Parkway Inn, Inc. v. Woods and Nat'l Park Service`
To: "MariaGrazia.caminiti@sol.doi.gov" <MariaGrazia.caminiti@sol.doi.gov>
Cc: "Taylor, Paul (USANCW)" <Paul.Taylor@usdoj.gov>, "Wilkinson, Terry (USANCW) [Contractor]" <Terry.Wilkinson@usdoj.gov>, "Gaddy, Debbie (USANCW)" <Debbie.Gaddy@usdoj.gov>

Mary Grace,

Thank you for taking my call about my Civil Chief's (Paul Taylor) handling of the defense of the TRO in the above-referenced case (*Weber v. Woods*) reportedly just filed within the hour in the Asheville Division of the Western District of North Carolina. A copy of the Complaint (not file stamped) is attached in the PDF form that I received it from the local counsel for the Plaintiffs. I am the "duty" attorney for our Civil Division today, but I expect Civil Chief Paul Taylor to be on duty tomorrow, especially because he will need to develop the Government's position in defense of the TRO. As I have told you, he can be reached tomorrow (and possibly this evening) at the Asheville Branch of the US Attorneys Office for the WDNC, phone number 828-271-4661; fax number 828-271-4670. Please deal with him directly, as I am simply trying to expedite connections for him on this new and urgent case. As I mentioned, the matter of this Parkway Inn having its access blocked has been the subject of news in this area, so there seems to be potential for even national news coverage of this lawsuit.

As I understand it from our brief telephone conversation, you will pass on news of this new TRO filing to the relevant personnel at your agency. I jotted down Jack Haugrud as the name of the current Acting Solicitor of the Department of Interior, but Paul Taylor likely will receive a call this evening or tomorrow from either an attorney being assigned to the case or from Sheila Simmons Ass't for Administration or Ed Keable, Deputy for General Law Matters. I understand that your office probably is being swamped with similar cases, but I also want to underscore that we will appreciate whatever support you can expedite for this TRO, which, in my estimation, likely will be set for hearing in U.S. District Court in the next day or two.

I have cc'd Paul Taylor and two support staff that might be in the office on a rotating basis during the Shutdown. Please feel free to forward this email as appropriate and perhaps encourage recipients to hit "Reply All" with any response so that Paul and the support staff and myself can receive contact information in order to be sure that nothing falls through the cracks during this time of rotating schedules. For Paul Taylor's information, I reached you at 202-208-4423, if my memory serves me correctly.

Thank you,
Jim Sullivan

James M. Sullivan
Assistant United States Attorney
Western District of North Carolina
Suite 1650 Carillon Building
227 West Trade Street
Charlotte, NC 28202
Phone: 704-344-6222
Fax: 704-344-6629

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--

Marigrace Caminiti

Executive Assistant to the Solicitor

US Department of the Interior

1849 C Street, NW, Rm. 6415

Washington, DC 20240

202-208-3111 - direct

202-208-5584 - fax

202-528-0486 or 202-359-2949 -cell/wcell

^^

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--

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

--

Shawn Benge
Deputy Regional Director

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

Young, Deirdre R

From: Mark Woods <mark_woods@nps.gov>
Sent: Monday, October 07, 2013 8:03 PM
To: Benge, Shawn
Cc: Steve Stinnett
Subject: Re: Copy of the Motion for TRO etc. in Weber & Parkway Inn, Inc. v. Woods

Got it Shawn.

Sent from my iPhone

On Oct 7, 2013, at 6:14 PM, "Benge, Shawn" <shawn_benge@nps.gov> wrote:

---------- Forwarded message ----------
From: **Roth, Barry** <barry.roth@sol.doi.gov>
Date: Mon, Oct 7, 2013 at 6:08 PM
Subject: Fwd: Copy of the Motion for TRO etc. in Weber & Parkway Inn, Inc. v. Woods
To: Shawn Benge <shawn_benge@nps.gov>
Cc: Melissa Lackey <melissa.lackey@sol.doi.gov>

Here is the TRO motion, it wasn't on Lena's email.

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

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From: **Caminiti, Mariagrazia** <marigrace.caminiti@sol.doi.gov>
Date: Mon, Oct 7, 2013 at 5:52 PM
Subject: Fwd: Copy of the Motion for TRO etc. in Weber & Parkway Inn, Inc. v. Woods
To: Barry Roth <barry.roth@sol.doi.gov>, Melissa Lackey <melissa.lackey@sol.doi.gov>, Jack Haugrud <jack.haugrud@sol.doi.gov>

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From: **Sullivan, James (USANCW)** <James.Sullivan2@usdoj.gov>
Date: Mon, Oct 7, 2013 at 5:49 PM
Subject: Copy of the Motion for TRO etc. in Weber & Parkway Inn, Inc. v. Woods
To: "MariaGrazia.caminiti@sol.doi.gov" <MariaGrazia.caminiti@sol.doi.gov>
Cc: "Taylor, Paul (USANCW)" <Paul.Taylor@usdoj.gov>, "Wilkinson, Terry (USANCW) [Contractor]" <Terry.Wilkinson@usdoj.gov>, "Gaddy, Debbie (USANCW)" <Debbie.Gaddy@usdoj.gov>

Marigrace,

I am attaching, in PDF format, a file-stamped copy of the Motion for TRO and Preliminary Injunction and Memorandum in Support that is part of the docket in *Weber & Parkway Inn, Inc. v. Woods et al.* Civil No. 1:13-CV-00263 (USDC/WDNC- Asheville Div.). Please forward the attached to the relevant personnel at your office. I have not included PDF's of all the exhibits to the Motion, as I assume your folks can readily retrieve those on-line from PACER.

Jim

James M. Sullivan
Assistant United States Attorney
Western District of North Carolina
Suite 1650 Carillon Building
227 West Trade Street
Charlotte, NC 28202
Phone: 704-344-6222
Fax: 704-344-6629

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Marigrace Caminiti

Executive Assistant to the Solicitor

US Department of the Interior

1849 C Street, NW, Rm. 6415

Washington, DC 20240

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--

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

<Mot for TRO and Prel Inj and Memo in Support.pdf>

Young, Deirdre R

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Subject: Fwd: Copy of the Motion for TRO etc. in Weber & Parkway Inn, Inc. v. Woods
Attachments: Mot for TRO and Prel Inj and Memo in Support.pdf

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Cc: "Taylor, Paul (USANCW)" <Paul.Taylor@usdoj.gov>, "Wilkinson, Terry (USANCW) [Contractor]"

<Terry.Wilkinson@usdoj.gov>, "Gaddy, Debbie (USANCW)" <Debbie.Gaddy@usdoj.gov>

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Jim

James M. Sullivan
Assistant United States Attorney
Western District of North Carolina
Suite 1650 Carillon Building
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Marigrace Caminiti

Executive Assistant to the Solicitor

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--

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

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

LORNA WEBER, PARKWAY INN, INC., Plaintiffs, v. MARK WOODS, in his official capacity as Superintendent, Blue Ridge Parkway, JONATHAN B. JARVIS, in his official capacity as Director, National Park Service, and the NATIONAL PARK SERVICE, Defendants.	**Civ. Action No. _____**

Motion For A Temporary Restraining Order and Preliminary Injunction and Memorandum In Support Thereof

Pursuant to Fed. R. Civ. Pr. 65, Plaintiffs Lorna Weber and Parkway Inn, Inc. ("The Pisgah Inn") respectfully submit this motion for a temporary restraining order and preliminary injunction and memorandum in support of that motion.

I. Introduction

The National Park Service's decision in light of Congress' reduction of its funding to shut down The Pisgah Inn to purportedly protect public safety and area resources is arbitrary, capricious, utterly non-sensical and creates an immediate threat to the public safety. The Pisgah Inn is a private company that provides

services to the public, such as food, lodging and restrooms, along the Blue Ridge Parkway. The Pisgah Inn does not receive any funds from the federal government, but in fact pays money to the federal government pursuant to its operations on the Blue Ridge Parkway. In issuing The Pisgah Inn its current authorization to provide visitor services to travelers on the Blue Ridge Parkway, NPS concluded that The Pisgah Inn's services "are necessary and appropriate for the public use and enjoyment of [the Blue Ridge Parkway] and should be provided to the public visiting [the Blue Ridge Parkway]." The Blue Ridge Parkway is currently open. The travelers on the Blue Ridge Parkway, including motorcyclists, rely upon the services provided by The Pisgah Inn for their safety. Even though NPS has kept the Blue Ridge Parkway open notwithstanding the current partial shutdown of certain government operations, NPS has arbitrarily determined that, pursuant to NPS's authority to close units of the National Park System under 36 C.F.R. §1.5(a), The Pisgah Inn must shut down. Given that The Pisgah Inn does not rely on federal funds and provides necessary services to the travelers on the Blue Ridge Parkway, NPS's decision to keep the Blue Ridge Parkway open but close The Pisgah Inn is entirely unreasonable and is likely to result in irreparable harm to travelers on the Blue Ridge Parkway and The Pisgah Inn as well as increase the risk of resource damage to the area.

II. Facts

1. On October 1, 2013, NPS made a determination pursuant to 36 C.F.R. § 1.5(a) to close certain NPS units and suspend all NPS concession operations by 6:00 p.m., October 3, 2013, whether or not those concession operations were within a closed unit of the NPS. *See* Attachment C to the Declaration of Bruce O'Connell ("National Park System Closure Determination and Notice") (declaration attached hereto as Exh. 1).

2. NPS asserted that its determination to close NPS units and suspend all NPS concession operations was "necessitated by a lapse in funds appropriated by the United States Congress for the operation of the National Park Service and will remain in effect until funding is restored." *Id.*

3. NPS asserted that "this national closure determination and notice is necessary to maintain public health and safety in units of the National Park System and to protect park resources and values during the shutdown period." *Id.*

4. However, NPS determined that the Blue Ridge Parkway could remain open because it provides primary access between points located outside the

Parkway and its continued use was not a risk to public health or safety or to the protection of park resources and values. Exh. 1 at ¶ 8.

5. The Pisgah Inn is located on the Blue Ridge Parkway. *Id.* at ¶ 2.

6. Upon issuing the current contract for The Pisgah Inn to operate on the Blue Ridge Parkway, NPS determined that the services provided by The Pisgah Inn "are necessary and appropriate for the public use and enjoyment of [the Blue Ridge Parkway] and should be provided to the public visiting [the Blue Ridge Parkway]." Attachment A to Exh. 1 (page 2 of the attachment).

7. The Pisgah Inn provides one of the few spots for travelers to pull off the Blue Ridge Parkway and rest, obtain food or to use rest rooms. Exh. 1 at ¶ 5; Declaration of Lorna Weber at ¶¶ 2-9 (attached hereto as Exh. 2).

8. The Pisgah Inn helps ensure the safety and health of travelers on the Blue Ridge Parkway. Exh. 1 at ¶ 6; Exh. 2 at ¶ 4-6, 8.

9. On October 1, 2013, the Pisgah Inn was informed by an NPS employee that the Pisgah Inn had to close its operations by 6:00 p.m., October 3, 2013, pursuant to NPS's determination to close all NPS units. Exh. 1 at ¶ 9.

10. However, because NPS in fact had not closed all Park units but left open the Blue Ridge Parkway, The Pisgah Inn attempted to stay open to help ensure the safety and health of travelers on the Blue Ridge Parkway. Exh. 1 at ¶ 11.

11. The Pisgah Inn also sought to confirm the validity and authority of NPS's closure notice from NPS officials because the notice it received was not from an employee authorized to represent NPS. Exh. 1 at ¶ 12.

12. On October 4, 2013, multiple NPS Park Rangers arrived at The Pisgah Inn in several vehicles with their emergency lights on and forcibly closed down The Pisgah Inn's operations. Exh. 1 at ¶ 13.

13. An NPS official, Lena McDowall, Associate Director, National Park Service, Business Services, subsequently sent an email to The Pisgah Inn's counsel

asserting the NPS had properly issued directions to Pisgah Inn to close its operations pursuant to 36 C.F.R. § 1.5(a). Exh. 1 at ¶ 14.

14. In explaining this determination to The Pisgah Inn, NPS stated that:

> In the normal course of operations, park activities necessarily require the support of numerous National Park Service functions: park operations do not function independently of contracting support; visitor protection cannot exist without the support of payroll personnel; concessioners and volunteers cannot conduct activities without management oversight. With parks closed to the public and its inability to provide necessary oversight, consistent with the provisions of its concession contracts, the NPS has had to close all concession facilities in the National Park System.

Attachment C to Exh. 1.

15. However, The Pisgah Inn can and does function on a day-to-day basis without any NPS employees or contract support. Exh. 1 at ¶ 16.

16. NPS's administrative contracting support staff visit The Pisgah Inn approximately only once per year and have already visited for the current season. Exh. 1 at ¶ 17.

17. Thus, it is misleading for NPS to state that The Pisgah Inn's operation cannot function during the current period independent of NPS contracting support.

18. In addition, prior to October 1, 2013, NPS Park Rangers would infrequently stop by The Pisgah Inn. Exh. 1 at ¶ 18.

19. However, since October 3, 2013, NPS has had between 3-6 Park Rangers at The Pisgah Inn. Exh. 1 at ¶ 19.

20. Therefore, NPS clearly has sufficient resources to ensure that even greater protective measures are in place to protect visitors than were in place prior to the closure order. Exh. 1 at ¶ 20.

21. In addition, emergency medical services and police services in the Parkway area are provided by the local state and municipalities, including the Sheriff, EMT units and the fire departments, which all are still available and on duty. NPS never provided these services. Exh. 1 at ¶¶ 21-22.

22. Moreover, visitors are still present traveling on the Blue Ridge Parkway and NPS has determined that they can make use of the Blue Ridge Parkway in a safe manner without jeopardizing resources. Exh. 1 at ¶ 8; Exh. 2.

23. The use by the visitors to the Blue Ridge Parkway of The Pisgah Inn's facilities does not and cannot be viewed as increasing any of these already acceptable risks, and in fact, reduces these risks. Exh. 2 at ¶¶ 3-8.

24. NPS apparently subsequently allowed travelers on the Blue Ridge Parkway to access The Pisgah Inn to make use of its rest rooms which it provides. Exh. 1 at ¶ 23.

25. Given this permitted access to and use of The Pisgah Inn, there is no increase in risk to public health or the area's resources if travelers are also allowed to make use of the other services provided by The Pisgah Inn, such as its food and lodging.

III. Argument

A. Standard of Law

As set out in *Hargrove v. Universe Express Inc. Moving and Storage*, 2013 WL 5218104 (E.D.N.C. Sept. 17, 2013):

> A plaintiff seeking a preliminary injunction must establish [1] that he is likely to succeed on the merits, [2] that he is likely to suffer irreparable harm in the absence of preliminary relief, [3] that the balance of equities tips in his favor, and [4] that an injunction is in the public interest." *Winter v. Natural Res. Def. Council, Inc.,* 555 U.S. 7, 20 (2008).

NAACP-Greensboro Branch v. Guilford County Board of Elections, 858 F.Supp.2d 516, 522 (M.D.N.C. 2012). The standard for granting a temporary restraining order is the same as for granting a preliminary injunction. *U.S. Dept. of Labor v. Wolf Run Mining*, 452 F.3d 275, 281, n. 1 (4th Cir. 2006). As set out below, Plaintiffs have met all of the four applicable criteria.

B. Plaintiffs are likely to succeed on the merits

The Administrative Procedure Act ("APA") requires that a court "shall [] hold unlawful and set aside agency action, findings, and conclusions found to be [] arbitrary, capricious, and abuse of discretion, or otherwise not in accordance with law" or "without observance of procedure required by law." 5 U.S.C. § 706(2)(A), (D). When reviewing an agency action pursuant to the APA, a court shall "decide all relevant questions of law." 5 U.S.C. § 706.

NPS has clearly acted arbitrarily and capriciously by claiming that it has to shut down the operations at The Pisgah Inn "to maintain public health and safety in units of the National Park System and to protect park resources and values during the shutdown period" when NPS has (1) continued to allow visitors on the Blue Ridge Parkway and has (2) previously determined that The Pisgah Inn's operations provide "necessary" services to these travelers and those services "should be provided." NPS's actions here are patently unreasonable, contrary to its own past determinations and in fact increase the risk to public health and safety and the

potential harm to park resources. Whatever NPS's motivation may be, NPS's decision is not based on a legitimate and honest assessment of the facts in this particular situation.

Section 1.5(a) of 36 C.F.R. states that:

> (a) Consistent with applicable legislation and Federal administrative policies, and based upon a determination that such action is necessary for the maintenance of public health and safety, protection of environmental or scenic values, protection of natural or cultural resources, aid to scientific research, implementation of management responsibilities, equitable allocation and use of facilities, or the avoidance of conflict among visitor use activities, the superintendent may:
>
> (1) Establish, for all or a portion of a park area, a reasonable schedule of visiting hours, impose public use limits, or close all or a portion of a park area to all public use or to a specific use or activity.
>
> (2) Designate areas for a specific use or activity, or impose conditions or restrictions on a use or activity.
>
> (3) Terminate a restriction, limit, closure, designation, condition, or visiting hour restriction imposed under paragraph (a)(1) or (2) of this section.

(Emphasis added.) NPS made its decision to shut down The Pisgah Inn on the Blue Ridge Parkway purportedly pursuant to this regulation. *See* Exh. 1 at ¶ 10; Att. C to Exh. 1 ("Pursuant to 36 C.F.R. § 1.5 . . . National Park Service concessioners must suspend their operations in overnight accommodations by 6:00 p.m. EDT on October 3, 2013"); *id.* ("Under 36 C.F.R. § 1.5(a) this national closure determination and notice is necessary to maintain public health and safety

in units of the National Park System and to protect park resources and values during the shutdown period").

However, NPS decided not to shut down the Blue Ridge Parkway itself. Thus, there are as many travelers on the Parkway today as there always is, and in fact, right now is the busiest period due to the Fall foliage. Exh. 1 at ¶ 8. Therefore, by keeping the Parkway open, it is clear that NPS has determined that the impact of the partial reduction in federal funding has not created an unacceptable risk to the health and safety of visitors to the Parkway. Nor has NPS determined that the partial reduction in federal funding has created an unacceptable risk to the area's resources.

Moreover, when NPS authorized The Pisgah Inn to operate, it explicitly determined that its services "are necessary and appropriate for the public use and enjoyment of [the Blue Ridge Parkway] and should be provided to the public visiting [the Blue Ridge Parkway]." *See* Att. A to Exh. 1 (page 2 of The Pisgah Inn's contract authorizing its operations). Therefore, NPS has already determined that the services provided by The Pisgah Inn are "necessary" and "should be provided to the public visiting" the Parkway.

Given that NPS has allowed travelers on the Parkway and found The Pisgah Inn's services to these travelers are "necessary," there is no rational argument that the services which The Pisgah Inn provides to those travelers increases any risk to

their safety. In fact, The Pisgah Inn's operations actually reduce any risk to the public health and safety by providing necessary services such as food and lodging to travelers on the Parkway. Exh. 1 at ¶ 5-6; Exh. 2 at ¶ 2-8. The Pisgah Inn is an authorized concessioner of the NPS, has been thoroughly evaluated to determine that it can provide these services and in fact has been doing just that for thirty-five (35) years. Exh. 1 at ¶ 2. It has well-demonstrated competency.

The specific basis for NPS's argument that it would be unsafe for The Pisgah Inn to operate is that, because NPS has a reduced staff, NPS cannot provide oversight to The Pisgah Inn's operations which is necessary to ensure that The Pisgah Inn itself does not cause harm to the public health or damage the Parkway's resources. This assertion is patently false. First, The Pisgah Inn was selected by NPS to operate because of its demonstrated ability to safely provide necessary services to travelers on the Parkway. Exh. 1 at ¶¶ 3-6. Moreover, The Pisgah Inn has been providing these services for thirty-five (35) years at no cost to the federal government. Exh. 1 at ¶¶ 2, 7. In fact, the federal government makes money from The Pisgah Inn's operations. Exh. 1 at ¶ 7.

NPS's specious claim that NPS must conduct day-to-day or week-to-week oversight of The Pisgah Inn to ensure that it continues to operate properly is not only invalid, it is entirely belied by the fact that NPS's contracting staff visits The Pisgah Inn approximately once a year. Exh. 1 at ¶¶ 16-17. NPS's implication that

it somehow must and does conduct day-to-day, week-to-week or even month-to-month oversight at The Pisgah Inn is patently false. NPS authorized The Pisgah Inn to provide food and services because that it what The Pisgah Inn does, and does well, and that is what NPS cannot do.

In addition, NPS has apparently allowed travelers on the Parkway to make use of The Pisgah Inn's restrooms, even though it has closed down The Pisgah Inn's other operations. Exh. 1 at ¶ 23. By doing so, NPS is acknowledging that there is no safety or resource risk posed by travelers leaving the Parkway, entering The Pisgah Inn's area (which is adjacent to the Parkway) and moving about its facilities. Thus, NPS appears to believe that the only risk is created by The Pisgah Inn providing food or lodging to these visitors. There does not appear to be any valid basis for this assertion, and certainly none has been offered.

Furthermore, NPS's claim that it does not have sufficient resources to ensure the public safety or protect its resources at The Pisgah Inn is belied by the fact that NPS obviously has sufficient resources to have 3-4 Park Rangers in several vehicles stationed at The Pisgah Inn's facility right now, even with reduced funding. Exh. 1 at ¶ 19. In an action that can only make sense to the federal government, Park Rangers are currently spending federal funds to keep visitors out of the facility. It would appear that a more sensible use of those Rangers' services is to allow visitors in to the facilities and have those same Rangers ensure the

safety of the visitors as well as the protection of the resources, if in fact that is required. Incredibly, even in past periods when NPS has full funding, it has never stationed any Park Ranger at The Pisgah Inn, much less 3-4 of them. Exh. 1 at ¶¶ 18-19. In light of this fact, NPS's assertion that it does not have sufficient funding to protect public safety or the resources at The Pisgah Inn is totally baffling.

This case is not unprecedented, as courts have reversed prior NPS decisions to close down NPS units pursuant to federal budget issues. In *Rivera v. United States*, 910 F. Supp. 239 (D.V.I. 1996), NPS also attempted to close down an NPS area and all operations within it due to a federal budget crisis. As in the present case, NPS cited its authority under 36 C.F.R. § 1.5(a) as its authority for this determination. The court granted a temporary restraining order prohibiting the NPS from closing down the area because it found that NPS's claims that continued use would created a danger to public safety and damage resources was baseless.

C. Plaintiffs are likely to suffer irreparable harm

In addition to their likelihood of success on the merits, plaintiffs also are likely to suffer irreparable harm if injunctive relief is not issued. Ms. Weber will still be traveling on the Parkway on her motorcycle, but she will not be able to obtain food or lodging during her travels, services which NPS has already found are "necessary" and "should be provided to visitors." Exh. 2 at ¶¶ 2-9. Thus, there is a risk that NPS's decision to shut down The Pisgah Inn will cause harm to

her health and safety, which clearly is an irreparable harm. *See Shell Offshore Inc. v. Greenpeace, Inc.*, 864 F. Supp. 2d 839, 851 (D. Ak. 2012)("It is well established that demonstrated risks to health and safety constitute the type of irreparable harm for which there is no adequate remedy at law"); *Texaco Indep. Union of Coraopolis Terminal v. Texaco, Inc.,* 452 F.Supp. 1097, 1107 (D.C.Pa.1978) ("no adequate remedy at law or in arbitration" for threats to health and safety of employees) (*citing United Steelworkers v. Blaw–Knox Foundry and Mill Mach., Inc.,* 319 F.Supp. 636, 641 (W.D.Pa.1970)).

In addition, NPS's actions have completely shut down The Pisgah Inn and will eliminate not only its revenues and impact its employees paychecks, but also the revenues for the entire region which depends on the Parkway being opened with full services available. Exh. 1 at ¶¶ 1-2, 13. While Defendants will not doubt try to dismiss the harm to The Pisgah Inn and the region, even as they themselves receive back pay for this shut down period, this harm does constitute irreparable harm. As held in *Hornbeck Offshore Services, L.L.C. v. Salazar*, 696 F. Supp. 2d 627, 638-639 (E.D. La. 2010):

> The plaintiffs assert that they have suffered and will continue to suffer irreparable harm as a result of the [government] moratorium. The Court agrees. Some of the plaintiffs' contracts have been affected; the Court is persuaded that it is only a matter of time before more business and jobs and livelihoods will be lost. The defendants trivialize such losses by characterizing them as merely a small percentage of the drilling rigs affected, but it does not follow that this will somehow reduce the convincing harm suffered. Furthermore,

courts have held that in making the determination of irreparable harm, "both harm to the parties and to the public may be considered." *In re Nw. Airlines Corp.,* 349 B.R. 338, 384 (S.D.N.Y.2006) (*quoting Long Island R.R. v. Int'l Ass'n of Machinists,* 874 F.2d 901, 910 (2nd Cir.1989)). The effect on employment, jobs, loss of domestic energy supplies caused by the moratorium as the plaintiffs (and other suppliers, and the rigs themselves) lose business, and the movement of the rigs to other sites around the world will clearly ripple throughout the economy in this region.

D. The balance of equities strongly favors Plaintiffs

In addition, the balance of equities strongly favors Plaintiffs. While Plaintiffs will likely incur the harms discussed above, NPS will incur no harm if injunctive relief is provided. The Pisgah Inn will continue providing the same services it has for thirty-five (35) years. The Pisgah Inn has never had nor does it need NPS day-to-day oversight. The Pisgah Inn's contracts sets forth the required guidelines for operations, and NPS has never before asserted that it needs to provide frequent oversight to its operations. This assertion was made for the first time to justify shutting down The Pisgah Inn pursuant to the decision by the United States Congress to reduce NPS's funding. Furthermore, NPS now has even more Park Rangers present than they ever had in the past, so, to the extent they believe their presence is necessary to protect the public safety and protect the resources, this can easily be done.

E. An injunction is in the public interest

Because there is no valid reason to shut down The Pisgah Inn, and in fact NPS has already found that The Pisgah Inn's operations are "necessary" and "should be provided" to the visiting public, it is clearly in the public interest to allow these operations to continue. The Pisgah Inn provides a valuable and "necessary" service to the public. NPS's effort to eliminate this service appears to be solely motivated by a desire to deliberately make the public angry. There is no other legitimate basis for NPS's clearly arbitrary decision. However, it is not fair to the public to make The Pisgah Inn a football in NPS's political battles with the United States Congress.

III. Conclusion

For the reasons set forth above, Lorna Weber and The Pisgah Inn respectfully request that their motion for a temporary restraining order and a preliminary injunction be granted.

Respectfully submitted,

s/ Jon Yarbrough
Jon Yarbrough
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s/ Kevin R. Garden

Kevin R. Garden, DC Bar No. 426745
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kevin@gardenlawfirm.com
Pro hac vice application pending

Dated: October 7, 2013

Young, Deirdre R

From: Benge, Shawn <shawn_benge@nps.gov>
Sent: Monday, October 07, 2013 6:13 PM
To: McDowall, Lena
Cc: Lackey, Melissa; Roth, Barry; Sheaffer, C. B.; Foster, Maureen; Edward Boling; Mark Woods; Steve Stinnett
Subject: Re: Weber and Parkway Inn, Inc. v. Woods and Nat'l Park Service`

Mark Woods, Superintendent mobile: (b)(6)
Steve Stinnett, Chief Ranger mobile: (b)(6)

Also have copied both on this message, so you should now have their email addresses

On Mon, Oct 7, 2013 at 6:06 PM, McDowall, Lena <lena_mcdowall@nps.gov> wrote:
Melissa -

I don't have the park contact info, but I'e copied Shawn Benge in SER. He should have the contact numbers.

Thanks,

Lena

On Mon, Oct 7, 2013 at 5:49 PM, Lackey, Melissa <melissa.lackey@sol.doi.gov> wrote:
I just left a voicemail for Paul Taylor offering my assistance. I will also send him an email. In the meantime I will start working on an Answer that he may be able to use. Can someone at NPS send me phone numbers for someone at the Park who may be called as a witness in Asheville?

Melissa Lackey

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

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

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On Mon, Oct 7, 2013 at 5:33 PM, Roth, Barry <barry.roth@sol.doi.gov> wrote:
ATTORNEY CLIENT; ATTORNEY WORK PRODUCT

We have our fist TRO hearing on a concession. Melissa please work directly with AUSA Taylor at the number in the email.

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

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---------- Forwarded message ----------
From: **Caminiti, Mariagrazia** <marigrace.caminiti@sol.doi.gov>
Date: Mon, Oct 7, 2013 at 5:30 PM
Subject: Fwd: Weber and Parkway Inn, Inc. v. Woods and Nat'l Park Service`
To: Barry Roth <barry.roth@sol.doi.gov>

---------- Forwarded message ----------
From: **Sullivan, James (USANCW)** <James.Sullivan2@usdoj.gov>
Date: Mon, Oct 7, 2013 at 5:29 PM
Subject: Weber and Parkway Inn, Inc. v. Woods and Nat'l Park Service`
To: "MariaGrazia.caminiti@sol.doi.gov" <MariaGrazia.caminiti@sol.doi.gov>
Cc: "Taylor, Paul (USANCW)" <Paul.Taylor@usdoj.gov>, "Wilkinson, Terry (USANCW) [Contractor]" <Terry.Wilkinson@usdoj.gov>, "Gaddy, Debbie (USANCW)" <Debbie.Gaddy@usdoj.gov>

Mary Grace,

Thank you for taking my call about my Civil Chief's (Paul Taylor) handling of the defense of the TRO in the above-referenced case (*Weber v. Woods*) reportedly just filed within the hour in the Asheville Division of the Western District of North Carolina. A copy of the Complaint (not file stamped) is attached in the PDF form that I received it from the local counsel for the Plaintiffs. I am the "duty" attorney for our Civil Division today, but I expect Civil Chief Paul Taylor to be on duty tomorrow, especially because he will need to develop the Government's position in defense of the TRO. As I have told you, he can be reached tomorrow (and possibly this evening) at the Asheville Branch of the US Attorneys Office for the WDNC, phone number 828-271-4661; fax number 828-271-4670. Please deal with him directly,

as I am simply trying to expedite connections for him on this new and urgent case. As I mentioned, the matter of this Parkway Inn having its access blocked has been the subject of news in this area, so there seems to be potential for even national news coverage of this lawsuit.

As I understand it from our brief telephone conversation, you will pass on news of this new TRO filing to the relevant personnel at your agency. I jotted down Jack Haugrud as the name of the current Acting Solicitor of the Department of Interior, but Paul Taylor likely will receive a call this evening or tomorrow from either an attorney being assigned to the case or from Sheila Simmons Ass't for Administration or Ed Keable, Deputy for General Law Matters. I understand that your office probably is being swamped with similar cases, but I also want to underscore that we will appreciate whatever support you can expedite for this TRO, which, in my estimation, likely will be set for hearing in U.S. District Court in the next day or two.

I have cc'd Paul Taylor and two support staff that might be in the office on a rotating basis during the Shutdown. Please feel free to forward this email as appropriate and perhaps encourage recipients to hit "Reply All" with any response so that Paul and the support staff and myself can receive contact information in order to be sure that nothing falls through the cracks during this time of rotating schedules. For Paul Taylor's information, I reached you at 202-208-4423, if my memory serves me correctly.

Thank you,
Jim Sullivan

James M. Sullivan
Assistant United States Attorney
Western District of North Carolina
Suite 1650 Carillon Building
227 West Trade Street
Charlotte, NC 28202
Phone: 704-344-6222
Fax: 704-344-6629

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--

Marigrace Caminiti

Executive Assistant to the Solicitor

US Department of the Interior

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Washington, DC 20240

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^^

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

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

Young, Deirdre R

From: Roth, Barry <barry.roth@sol.doi.gov>
Sent: Monday, October 07, 2013 6:09 PM
To: Shawn Benge
Cc: Melissa Lackey
Subject: Fwd: Weber and Parkway Inn, Inc. v. Woods and Nat'l Park Service`
Attachments: Complaint FINAL.pdf

Shawn, and here is the complaint.

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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Cc: "Taylor, Paul (USANCW)" <Paul.Taylor@usdoj.gov>, "Wilkinson, Terry (USANCW) [Contractor]" <Terry.Wilkinson@usdoj.gov>, "Gaddy, Debbie (USANCW)" <Debbie.Gaddy@usdoj.gov>

Mary Grace,

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TRO. As I have told you, he can be reached tomorrow (and possibly this evening) at the Asheville Branch of the US Attorneys Office for the WDNC, phone number 828-271-4661; fax number 828-271-4670. Please deal with him directly, as I am simply trying to expedite connections for him on this new and urgent case. As I mentioned, the matter of this Parkway Inn having its access blocked has been the subject of news in this area, so there seems to be potential for even national news coverage of this lawsuit.

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Thank you,
Jim Sullivan

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

LORNA WEBER,
57 Ashcroft Place
Arden, NC 28704
(828) 242-4654; and

PARKWAY INN, INC.,
Blue Ridge Parkway, Milepost 408.6
Waynesville, NC 28786
(828) 235-8228

Plaintiffs,

v.

MARK WOODS, in his official capacity as Superintendent, Blue Ridge Parkway,
Blue Ridge Parkway Headquarters
199 Hemphill Knob Road
Asheville, NC 28803
(828) 348-3402,

JONATHAN B. JARVIS, in his official capacity as
Director, National Park Service,
1849 C Street, N.W.
Washington, DC 20240
(202) 208-3818, and

NATIONAL PARK SERVICE,
1849 C Street, N.W.
Washington, DC 20240
(202) 208-3818,

Defendants.

Civ. Action No. _____

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

INTRODUCTION

1. Lorna Weber is a resident of Arden, North Carolina and a frequent visitor to the Blue Ridge Parkway and The Pisgah Inn.

2. Parkway Inn, Inc. (operating as "The Pisgah Inn") is a private concessioner located on the Blue Ridge Parkway, a unit of the National Park Service ("NPS"). The Pisgah Inn provides necessary services to travelers on the Blue Ridge Parkway such as lodging and food which help ensure the safety of those travelers as well as the protection of the natural resources within the Blue Ridge Parkway.

3. The Pisgah Inn is a private company that does not receive any funds from the federal government, but in fact pays money to the federal government pursuant to its operations on the Blue Ridge Parkway.

4. In issuing the Pisgah Inn its current contract to provide visitor services to travelers on the Blue Ridge Parkway, NPS concluded that the Pisgah Inn's services "are necessary and appropriate for the public use and enjoyment of [the

Blue Ridge Parkway] and should be provided to the public visiting [the Blue Ridge Parkway]."

5. The Blue Ridge Parkway is currently open.

6. The travelers on the Blue Ridge Parkway rely upon the services provided by the Pisgah Inn for their safety.

7. Even though NPS has kept the Blue Ridge Parkway open pursuant to the current partial shutdown of certain government operations, NPS has determined that, pursuant to NPS's authority to close units of the National Park System under 36 C.F.R. §1.5(a), the Pisgah Inn must shut down.

8. Given that the Pisgah Inn does not rely on federal funds and provides necessary services to the travelers on the Blue Ridge Parkway, NPS's decision to keep the Blue Ridge Parkway open but close the Pisgah Inn is entirely unreasonable and is likely to result in irreparable harm to the travelers on the Blue

Ridge Parkway and the Pisgah Inn as well as increase the risk of resource damage to the area.

JURISDICTION AND VENUE

9. The claims asserted herein regarding NPS's violation of federal laws related to concession operations in our National Parks arise under the Administrative Procedure Act, 5 U.S.C. §§ 500 *et seq.*

10. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 (federal question), the Federal Arbitration Act, 9 U.S.C. § 4, and 28 U.S.C. § 2201 (declaratory judgment).

11. Venue is proper in this Court under 28 U.S.C. § 1391(e) because the defendant in the action is an official of the United States and has offices located within this judicial district.

PARTIES

Plaintiff

12. Lorna Weber is a resident of Arden, North Carolina.

13. Ms. Weber is a frequent visitor to the Blue Ridge Parkway and The Pisgah Inn.

14. Ms. Weber attempted to visit The Pisgah Inn on October 6, 2013, but was unable to use its services pursuant to the orders of NPS Park Rangers.

15. Ms. Weber, but for the orders of the NPS Park Rangers, would visit The Pisgah Inn in the upcoming weeks.

16. The Pisgah Inn is a family-owned private corporation established under the laws of North Carolina.

17. The Pisgah Inn has operated within the Blue Ridge Parkway for thirty-five (35) years, and has consistently obtained the highest evaluations

possible from the National Park Service.

18. The Pisgah Inn has been a loyal partner of NPS for the Pisgah Inn's entire history.

Defendants

19. Defendant Mark Woods is being sued in his official capacity as Superintendent of the Blue Ridge Parkway, an administrative unit of the National Park Service

20. Defendant Jonathan B. Jarvis is being sued in his official capacity as Director of the National Park Service.

21. The National Park Service is an agency within the Executive Branch of the federal government.

FACTS

22. On October 1, 2013, NPS made a determination pursuant to 36 C.F.R. § 1.5(a) to close certain NPS units and suspend all NPS concession operations by 6:00 p.m., October 3, 2013, whether or not those concession operations were within a closed unit of the NPS.

23. NPS asserted that its determination to close NPS units and suspend all NPS concession operations was "necessitated by a lapse in funds appropriated by the United States Congress for the operation of the National Park Service and will remain in effect until funding is restored."

24. NPS asserted that "this national closure determination and notice is necessary to maintain public health and safety in units of the National Park System and to protect park resources and values during the shutdown period."

25. However, NPS determined that the Blue Ridge Parkway could remain open and its continued use was not a risk to public health or safety or to the protection of park resources and values.

26. The Pisgah Inn is located on the Blue Ridge Parkway.

27. Upon issuing the current contract for the Pisgah Inn to operate on the Blue Ridge Parkway, NPS determined that the services provided by the Pisgah Inn "are necessary and appropriate for the public use and enjoyment of [the Blue Ridge Parkway] and should be provided to the public visiting [the Blue Ridge Parkway]."

28. The Pisgah Inn provides one of the few spots for travelers to pull off the Blue Ridge Parkway and rest, obtain food or to use rest rooms.

29. The Pisgah Inn helps ensure the safety and health of travelers on the Blue Ridge Parkway.

30. On October 1, 2013, the Pisgah Inn was informed by an NPS employee that the Pisgah Inn had to close its operations by 6:00 p.m., October 3, 2013, pursuant to NPS's determination to close all NPS units.

31. However, because NPS in fact had not closed all Park units but left open the Blue Ridge Parkway, the Pisgah Inn attempted to stay open to help ensure the safety and health of travelers on the Blue Ridge Parkway.

32. The Pisgah Inn also sought to confirm the validity and authority of NPS's closure notice from NPS officials.

33. On October 4, 2013, multiple NPS Park Rangers arrived at the Pisgah Inn in several vehicles with their emergency lights on and forcibly closed down Pisgah Inn's operations.

34. An NPS official, Lena McDowall, Associate Director, National Park Service, Business Services, subsequently sent an email to the Pisgah Inn's counsel asserting the NPS had properly issued directions to Pisgah Inn to close its operations pursuant to 36 C.F.R. § 1.5(a).

35. In explaining this determination to the Pisgah Inn, NPS stated that:

> In the normal course of operations, park activities necessarily require the support of numerous National Park Service functions: park operations do not function independently of contracting support; visitor protection cannot exist without the support of payroll personnel; concessioners and volunteers cannot conduct activities without management oversight. With parks closed to the public and its inability to provide necessary oversight, consistent with the provisions of its concession contracts, the NPS has had to close all concession facilities in the National Park System.

36. However, the Pisgah Inn can and does function on a day-to-day basis without any NPS employees or contract support.

37. NPS's administrative contracting support staff visit the Pisgah Inn approximately only once per year and have already visited for the current season.

38. Thus, it is misleading for NPS to state that the Pisgah Inn's operation cannot function during the current period independent of NPS contracting support.

39. In addition, prior to October 1, 2013, NPS Park Rangers would

infrequently stop by the Pisgah Inn.

40. However, since October 3, 2013, NPS has had between 3-6 Park Rangers at the Pisgah Inn.

41. Therefore, NPS clearly has sufficient resources to ensure that even greater protective measures are in place to protect visitors than were in place prior to the closure order.

42. Moreover, visitors are still present traveling on the Blue Ridge Parkway and NPS has determined that they can make use of the Blue Ridge Parkway in a safe manner without jeopardizing resources.

43. The use by the visitors to the Blue Ridge Parkway of the Pisgah Inn's facilities does not and cannot be viewed as increasing any of these already acceptable risks, and in fact, reduces these risks.

44. NPS apparently subsequently allowed travelers on the Blue Ridge Parkway to access The Pisgah Inn to make use of its rest rooms which it provides.

45. Given this permitted access to and use of The Pisgah Inn, there is no increase in risk to public health or the area's resources if travelers are also allowed to make use of the other services provided by the Pisgah Inn, such as its food and lodging.

Count I

46. The Pisgah Inn reasserts and re-alleges paragraphs 1-45 as if fully set forth herein.

47. In its determination on October 1, 2013 pursuant to 36 C.F.R. § 1.5(a), NPS asserted that "all units of the National Park System nationwide are closed to public visitation and use, subject to the conditions and exceptions described below."

48. NPS further asserted that all "National Park Service concessioners must suspend their operations in overnight accommodations by 6:00 p.m. EDT on October 3, 2013."

49. NPS further asserted that "with parks closed to the public and [NPS's] inability to provide necessary oversight, consistent with the provisions of its concession contracts, the NPS has had to close all concession facilities in the National Park System."

50. NPS also stated that this decision was "necessitated by a lapse in funds appropriated by the United States Congress for the operation of the National Park Service. . . "

51. However, contrary to NPS's assertions, NPS did not close the Blue Ridge Parkway to the public.

52. In addition, contrary to NPS's assertions, there was not a total lapse in

funding for the administration of the Blue Ridge Parkway given that NPS still has employees operating to ensure the safety of visitors to the Blue Ridge Parkway and the protection of resources.

53. Moreover, by not closing the Blue Ridge Parkway to the public, NPS determined that travelers on the Blue Ridge Parkway can be present without risk to their health or the resources in the area.

54. Given that NPS is allowing the public to continue using the Blue Ridge Parkway and the operations at The Pisgah Inn provide protection for the health and safety of those visitors as well as further protect the resources in the area, NPS's decision will increase the risk of harm to the safety of the public and damage to the area's resources.

55. Thus, NPS's determination to close down The Pisgah Inn pursuant to 36 C.F.R. § 1.5(a) to protect the safety of visitors who are continued to use the Blue Ridge Parkway and to protect the areas resources was arbitrary, capricious, an

abuse of discretion and not in accordance with law.

REQUEST FOR RELIEF

WHEREFORE, plaintiffs Lorna Weber and Parkway Inn, Inc. respectfully request that this Court grant injunctive and declaratory relief against defendants as follows:

a. Issue an order finding that the decision to shut down the operations at The Pisgah Inn was arbitrary, capricious, and abuse of discretion and not in accordance with law;

b. Issue an injunction preserving the status quo by requiring defendants to permit operations at The Pisgah Inn; and

c. Issue an order awarding Lorna Weber and Parkway Inn, Inc. their attorneys' fees related to its filing and pursuit of this matter, and such further relief as may be appropriate.

Respectfully submitted,

s/ Jon Yarbrough
Jon Yarbrough
Constangy, Brooks & Smith, L.L.P.

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Asheville, North Carolina 28803
Tel: 828.333.4218
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s/ Kevin R. Garden

Kevin R. Garden, DC Bar No. 426745
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(703) 535-5565
kevin@gardenlawfirm.com
Pro hac vice application pending

Dated: October 7, 2013

Young, Deirdre R

From: Roth, Barry <barry.roth@sol.doi.gov>
Sent: Monday, October 07, 2013 6:08 PM
To: Shawn Benge
Cc: Melissa Lackey
Subject: Fwd: Copy of the Motion for TRO etc. in Weber & Parkway Inn, Inc. v. Woods
Attachments: Mot for TRO and Prel Inj and Memo in Support.pdf

Here is the TRO motion, it wasn't on Lena's email.

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

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From: **Caminiti, Mariagrazia** <marigrace.caminiti@sol.doi.gov>
Date: Mon, Oct 7, 2013 at 5:52 PM
Subject: Fwd: Copy of the Motion for TRO etc. in Weber & Parkway Inn, Inc. v. Woods
To: Barry Roth <barry.roth@sol.doi.gov>, Melissa Lackey <melissa.lackey@sol.doi.gov>, Jack Haugrud <jack.haugrud@sol.doi.gov>

---------- Forwarded message ----------
From: **Sullivan, James (USANCW)** <James.Sullivan2@usdoj.gov>
Date: Mon, Oct 7, 2013 at 5:49 PM
Subject: Copy of the Motion for TRO etc. in Weber & Parkway Inn, Inc. v. Woods
To: "MariaGrazia.caminiti@sol.doi.gov" <MariaGrazia.caminiti@sol.doi.gov>
Cc: "Taylor, Paul (USANCW)" <Paul.Taylor@usdoj.gov>, "Wilkinson, Terry (USANCW) [Contractor]" <Terry.Wilkinson@usdoj.gov>, "Gaddy, Debbie (USANCW)" <Debbie.Gaddy@usdoj.gov>

Marigrace,

I am attaching, in PDF format, a file-stamped copy of the Motion for TRO and Preliminary Injunction and Memorandum in Support that is part of the docket in *Weber & Parkway Inn, Inc. v. Woods et al.* Civil No. 1:13-CV-00263 (USDC/WDNC- Asheville Div.). Please forward the attached to the relevant personnel at your office. I have not included PDF's of all the exhibits to the Motion, as I assume your folks can readily retrieve those on-line from PACER.

Jim

James M. Sullivan
Assistant United States Attorney
Western District of North Carolina
Suite 1650 Carillon Building
227 West Trade Street
Charlotte, NC 28202
Phone: 704-344-6222
Fax: 704-344-6629

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Marigrace Caminiti

Executive Assistant to the Solicitor

US Department of the Interior

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

LORNA WEBER, PARKWAY INN, INC., Plaintiffs, v. MARK WOODS, in his official capacity as Superintendent, Blue Ridge Parkway, JONATHAN B. JARVIS, in his official capacity as Director, National Park Service, and the NATIONAL PARK SERVICE, Defendants.	**Civ. Action No. _____**

Motion For A Temporary Restraining Order and Preliminary Injunction and Memorandum In Support Thereof

Pursuant to Fed. R. Civ. Pr. 65, Plaintiffs Lorna Weber and Parkway Inn, Inc. ("The Pisgah Inn") respectfully submit this motion for a temporary restraining order and preliminary injunction and memorandum in support of that motion.

I. Introduction

The National Park Service's decision in light of Congress' reduction of its funding to shut down The Pisgah Inn to purportedly protect public safety and area resources is arbitrary, capricious, utterly non-sensical and creates an immediate threat to the public safety. The Pisgah Inn is a private company that provides

services to the public, such as food, lodging and restrooms, along the Blue Ridge Parkway. The Pisgah Inn does not receive any funds from the federal government, but in fact pays money to the federal government pursuant to its operations on the Blue Ridge Parkway. In issuing The Pisgah Inn its current authorization to provide visitor services to travelers on the Blue Ridge Parkway, NPS concluded that The Pisgah Inn's services "are necessary and appropriate for the public use and enjoyment of [the Blue Ridge Parkway] and should be provided to the public visiting [the Blue Ridge Parkway]." The Blue Ridge Parkway is currently open. The travelers on the Blue Ridge Parkway, including motorcyclists, rely upon the services provided by The Pisgah Inn for their safety. Even though NPS has kept the Blue Ridge Parkway open notwithstanding the current partial shutdown of certain government operations, NPS has arbitrarily determined that, pursuant to NPS's authority to close units of the National Park System under 36 C.F.R. §1.5(a), The Pisgah Inn must shut down. Given that The Pisgah Inn does not rely on federal funds and provides necessary services to the travelers on the Blue Ridge Parkway, NPS's decision to keep the Blue Ridge Parkway open but close The Pisgah Inn is entirely unreasonable and is likely to result in irreparable harm to travelers on the Blue Ridge Parkway and The Pisgah Inn as well as increase the risk of resource damage to the area.

II. Facts

1. On October 1, 2013, NPS made a determination pursuant to 36 C.F.R. § 1.5(a) to close certain NPS units and suspend all NPS concession operations by 6:00 p.m., October 3, 2013, whether or not those concession operations were within a closed unit of the NPS. *See* Attachment C to the Declaration of Bruce O'Connell ("National Park System Closure Determination and Notice") (declaration attached hereto as Exh. 1).

2. NPS asserted that its determination to close NPS units and suspend all NPS concession operations was "necessitated by a lapse in funds appropriated by the United States Congress for the operation of the National Park Service and will remain in effect until funding is restored." *Id.*

3. NPS asserted that "this national closure determination and notice is necessary to maintain public health and safety in units of the National Park System and to protect park resources and values during the shutdown period." *Id.*

4. However, NPS determined that the Blue Ridge Parkway could remain open because it provides primary access between points located outside the

Parkway and its continued use was not a risk to public health or safety or to the protection of park resources and values. Exh. 1 at ¶ 8.

5. The Pisgah Inn is located on the Blue Ridge Parkway. *Id.* at ¶ 2.

6. Upon issuing the current contract for The Pisgah Inn to operate on the Blue Ridge Parkway, NPS determined that the services provided by The Pisgah Inn "are necessary and appropriate for the public use and enjoyment of [the Blue Ridge Parkway] and should be provided to the public visiting [the Blue Ridge Parkway]." Attachment A to Exh. 1 (page 2 of the attachment).

7. The Pisgah Inn provides one of the few spots for travelers to pull off the Blue Ridge Parkway and rest, obtain food or to use rest rooms. Exh. 1 at ¶ 5; Declaration of Lorna Weber at ¶¶ 2-9 (attached hereto as Exh. 2).

8. The Pisgah Inn helps ensure the safety and health of travelers on the Blue Ridge Parkway. Exh. 1 at ¶ 6; Exh. 2 at ¶ 4-6, 8.

9. On October 1, 2013, the Pisgah Inn was informed by an NPS employee that the Pisgah Inn had to close its operations by 6:00 p.m., October 3, 2013, pursuant to NPS's determination to close all NPS units. Exh. 1 at ¶ 9.

10. However, because NPS in fact had not closed all Park units but left open the Blue Ridge Parkway, The Pisgah Inn attempted to stay open to help ensure the safety and health of travelers on the Blue Ridge Parkway. Exh. 1 at ¶ 11.

11. The Pisgah Inn also sought to confirm the validity and authority of NPS's closure notice from NPS officials because the notice it received was not from an employee authorized to represent NPS. Exh. 1 at ¶ 12.

12. On October 4, 2013, multiple NPS Park Rangers arrived at The Pisgah Inn in several vehicles with their emergency lights on and forcibly closed down The Pisgah Inn's operations. Exh. 1 at ¶ 13.

13. An NPS official, Lena McDowall, Associate Director, National Park Service, Business Services, subsequently sent an email to The Pisgah Inn's counsel

asserting the NPS had properly issued directions to Pisgah Inn to close its operations pursuant to 36 C.F.R. § 1.5(a). Exh. 1 at ¶ 14.

14. In explaining this determination to The Pisgah Inn, NPS stated that:

> In the normal course of operations, park activities necessarily require the support of numerous National Park Service functions: park operations do not function independently of contracting support; visitor protection cannot exist without the support of payroll personnel; concessioners and volunteers cannot conduct activities without management oversight. With parks closed to the public and its inability to provide necessary oversight, consistent with the provisions of its concession contracts, the NPS has had to close all concession facilities in the National Park System.

Attachment C to Exh. 1.

15. However, The Pisgah Inn can and does function on a day-to-day basis without any NPS employees or contract support. Exh. 1 at ¶ 16.

16. NPS's administrative contracting support staff visit The Pisgah Inn approximately only once per year and have already visited for the current season. Exh. 1 at ¶ 17.

17. Thus, it is misleading for NPS to state that The Pisgah Inn's operation cannot function during the current period independent of NPS contracting support.

18. In addition, prior to October 1, 2013, NPS Park Rangers would infrequently stop by The Pisgah Inn. Exh. 1 at ¶ 18.

19. However, since October 3, 2013, NPS has had between 3-6 Park Rangers at The Pisgah Inn. Exh. 1 at ¶ 19.

20. Therefore, NPS clearly has sufficient resources to ensure that even greater protective measures are in place to protect visitors than were in place prior to the closure order. Exh. 1 at ¶ 20.

21. In addition, emergency medical services and police services in the Parkway area are provided by the local state and municipalities, including the Sheriff, EMT units and the fire departments, which all are still available and on duty. NPS never provided these services. Exh. 1 at ¶¶ 21-22.

22. Moreover, visitors are still present traveling on the Blue Ridge Parkway and NPS has determined that they can make use of the Blue Ridge Parkway in a safe manner without jeopardizing resources. Exh. 1 at ¶ 8; Exh. 2.

23. The use by the visitors to the Blue Ridge Parkway of The Pisgah Inn's facilities does not and cannot be viewed as increasing any of these already acceptable risks, and in fact, reduces these risks. Exh. 2 at ¶¶ 3-8.

24. NPS apparently subsequently allowed travelers on the Blue Ridge Parkway to access The Pisgah Inn to make use of its rest rooms which it provides. Exh. 1 at ¶ 23.

25. Given this permitted access to and use of The Pisgah Inn, there is no increase in risk to public health or the area's resources if travelers are also allowed to make use of the other services provided by The Pisgah Inn, such as its food and lodging.

III. Argument

A. Standard of Law

As set out in *Hargrove v. Universe Express Inc. Moving and Storage*, 2013 WL 5218104 (E.D.N.C. Sept. 17, 2013):

> A plaintiff seeking a preliminary injunction must establish [1] that he is likely to succeed on the merits, [2] that he is likely to suffer irreparable harm in the absence of preliminary relief, [3] that the balance of equities tips in his favor, and [4] that an injunction is in the public interest." *Winter v. Natural Res. Def. Council, Inc.,* 555 U.S. 7, 20 (2008).

NAACP-Greensboro Branch v. Guilford County Board of Elections, 858 F.Supp.2d 516, 522 (M.D.N.C. 2012). The standard for granting a temporary restraining order is the same as for granting a preliminary injunction. *U.S. Dept. of Labor v. Wolf Run Mining*, 452 F.3d 275, 281, n. 1 (4th Cir. 2006). As set out below, Plaintiffs have met all of the four applicable criteria.

B. Plaintiffs are likely to succeed on the merits

The Administrative Procedure Act ("APA") requires that a court "shall [] hold unlawful and set aside agency action, findings, and conclusions found to be [] arbitrary, capricious, and abuse of discretion, or otherwise not in accordance with law" or "without observance of procedure required by law." 5 U.S.C. § 706(2)(A), (D). When reviewing an agency action pursuant to the APA, a court shall "decide all relevant questions of law." 5 U.S.C. § 706.

NPS has clearly acted arbitrarily and capriciously by claiming that it has to shut down the operations at The Pisgah Inn "to maintain public health and safety in units of the National Park System and to protect park resources and values during the shutdown period" when NPS has (1) continued to allow visitors on the Blue Ridge Parkway and has (2) previously determined that The Pisgah Inn's operations provide "necessary" services to these travelers and those services "should be provided." NPS's actions here are patently unreasonable, contrary to its own past determinations and in fact increase the risk to public health and safety and the

potential harm to park resources. Whatever NPS's motivation may be, NPS's decision is not based on a legitimate and honest assessment of the facts in this particular situation.

Section 1.5(a) of 36 C.F.R. states that:

> (a) Consistent with applicable legislation and Federal administrative policies, and based upon a determination that such action is necessary for the maintenance of public health and safety, protection of environmental or scenic values, protection of natural or cultural resources, aid to scientific research, implementation of management responsibilities, equitable allocation and use of facilities, or the avoidance of conflict among visitor use activities, the superintendent may:
>
> (1) Establish, for all or a portion of a park area, a reasonable schedule of visiting hours, impose public use limits, or close all or a portion of a park area to all public use or to a specific use or activity.
>
> (2) Designate areas for a specific use or activity, or impose conditions or restrictions on a use or activity.
>
> (3) Terminate a restriction, limit, closure, designation, condition, or visiting hour restriction imposed under paragraph (a)(1) or (2) of this section.

(Emphasis added.) NPS made its decision to shut down The Pisgah Inn on the Blue Ridge Parkway purportedly pursuant to this regulation. *See* Exh. 1 at ¶ 10; Att. C to Exh. 1 ("Pursuant to 36 C.F.R. § 1.5 . . . National Park Service concessioners must suspend their operations in overnight accommodations by 6:00 p.m. EDT on October 3, 2013"); *id.* ("Under 36 C.F.R. § 1.5(a) this national closure determination and notice is necessary to maintain public health and safety

in units of the National Park System and to protect park resources and values during the shutdown period").

However, NPS decided not to shut down the Blue Ridge Parkway itself. Thus, there are as many travelers on the Parkway today as there always is, and in fact, right now is the busiest period due to the Fall foliage. Exh. 1 at ¶ 8. Therefore, by keeping the Parkway open, it is clear that NPS has determined that the impact of the partial reduction in federal funding has not created an unacceptable risk to the health and safety of visitors to the Parkway. Nor has NPS determined that the partial reduction in federal funding has created an unacceptable risk to the area's resources.

Moreover, when NPS authorized The Pisgah Inn to operate, it explicitly determined that its services "are necessary and appropriate for the public use and enjoyment of [the Blue Ridge Parkway] and should be provided to the public visiting [the Blue Ridge Parkway]." *See* Att. A to Exh. 1 (page 2 of The Pisgah Inn's contract authorizing its operations). Therefore, NPS has already determined that the services provided by The Pisgah Inn are "necessary" and "should be provided to the public visiting" the Parkway.

Given that NPS has allowed travelers on the Parkway and found The Pisgah Inn's services to these travelers are "necessary," there is no rational argument that the services which The Pisgah Inn provides to those travelers increases any risk to

their safety. In fact, The Pisgah Inn's operations actually reduce any risk to the public health and safety by providing necessary services such as food and lodging to travelers on the Parkway. Exh. 1 at ¶ 5-6; Exh. 2 at ¶ 2-8. The Pisgah Inn is an authorized concessioner of the NPS, has been thoroughly evaluated to determine that it can provide these services and in fact has been doing just that for thirty-five (35) years. Exh. 1 at ¶ 2. It has well-demonstrated competency.

The specific basis for NPS's argument that it would be unsafe for The Pisgah Inn to operate is that, because NPS has a reduced staff, NPS cannot provide oversight to The Pisgah Inn's operations which is necessary to ensure that The Pisgah Inn itself does not cause harm to the public health or damage the Parkway's resources. This assertion is patently false. First, The Pisgah Inn was selected by NPS to operate because of its demonstrated ability to safely provide necessary services to travelers on the Parkway. Exh. 1 at ¶¶ 3-6. Moreover, The Pisgah Inn has been providing these services for thirty-five (35) years at no cost to the federal government. Exh. 1 at ¶¶ 2, 7. In fact, the federal government makes money from The Pisgah Inn's operations. Exh. 1 at ¶ 7.

NPS's specious claim that NPS must conduct day-to-day or week-to-week oversight of The Pisgah Inn to ensure that it continues to operate properly is not only invalid, it is entirely belied by the fact that NPS's contracting staff visits The Pisgah Inn approximately once a year. Exh. 1 at ¶¶ 16-17. NPS's implication that

it somehow must and does conduct day-to-day, week-to-week or even month-to-month oversight at The Pisgah Inn is patently false. NPS authorized The Pisgah Inn to provide food and services because that it what The Pisgah Inn does, and does well, and that is what NPS cannot do.

In addition, NPS has apparently allowed travelers on the Parkway to make use of The Pisgah Inn's restrooms, even though it has closed down The Pisgah Inn's other operations. Exh. 1 at ¶ 23. By doing so, NPS is acknowledging that there is no safety or resource risk posed by travelers leaving the Parkway, entering The Pisgah Inn's area (which is adjacent to the Parkway) and moving about its facilities. Thus, NPS appears to believe that the only risk is created by The Pisgah Inn providing food or lodging to these visitors. There does not appear to be any valid basis for this assertion, and certainly none has been offered.

Furthermore, NPS's claim that it does not have sufficient resources to ensure the public safety or protect its resources at The Pisgah Inn is belied by the fact that NPS obviously has sufficient resources to have 3-4 Park Rangers in several vehicles stationed at The Pisgah Inn's facility right now, even with reduced funding. Exh. 1 at ¶ 19. In an action that can only make sense to the federal government, Park Rangers are currently spending federal funds to keep visitors out of the facility. It would appear that a more sensible use of those Rangers' services is to allow visitors in to the facilities and have those same Rangers ensure the

safety of the visitors as well as the protection of the resources, if in fact that is required. Incredibly, even in past periods when NPS has full funding, it has never stationed any Park Ranger at The Pisgah Inn, much less 3-4 of them. Exh. 1 at ¶¶ 18-19. In light of this fact, NPS's assertion that it does not have sufficient funding to protect public safety or the resources at The Pisgah Inn is totally baffling.

This case is not unprecedented, as courts have reversed prior NPS decisions to close down NPS units pursuant to federal budget issues. In *Rivera v. United States*, 910 F. Supp. 239 (D.V.I. 1996), NPS also attempted to close down an NPS area and all operations within it due to a federal budget crisis. As in the present case, NPS cited its authority under 36 C.F.R. § 1.5(a) as its authority for this determination. The court granted a temporary restraining order prohibiting the NPS from closing down the area because it found that NPS's claims that continued use would created a danger to public safety and damage resources was baseless.

C. Plaintiffs are likely to suffer irreparable harm

In addition to their likelihood of success on the merits, plaintiffs also are likely to suffer irreparable harm if injunctive relief is not issued. Ms. Weber will still be traveling on the Parkway on her motorcycle, but she will not be able to obtain food or lodging during her travels, services which NPS has already found are "necessary" and "should be provided to visitors." Exh. 2 at ¶¶ 2-9. Thus, there is a risk that NPS's decision to shut down The Pisgah Inn will cause harm to

her health and safety, which clearly is an irreparable harm. *See Shell Offshore Inc. v. Greenpeace, Inc.*, 864 F. Supp. 2d 839, 851 (D. Ak. 2012)("It is well established that demonstrated risks to health and safety constitute the type of irreparable harm for which there is no adequate remedy at law"); *Texaco Indep. Union of Coraopolis Terminal v. Texaco, Inc.,* 452 F.Supp. 1097, 1107 (D.C.Pa.1978) ("no adequate remedy at law or in arbitration" for threats to health and safety of employees) (*citing United Steelworkers v. Blaw–Knox Foundry and Mill Mach., Inc.,* 319 F.Supp. 636, 641 (W.D.Pa.1970)).

In addition, NPS's actions have completely shut down The Pisgah Inn and will eliminate not only its revenues and impact its employees paychecks, but also the revenues for the entire region which depends on the Parkway being opened with full services available. Exh. 1 at ¶¶ 1-2, 13. While Defendants will not doubt try to dismiss the harm to The Pisgah Inn and the region, even as they themselves receive back pay for this shut down period, this harm does constitute irreparable harm. As held in *Hornbeck Offshore Services, L.L.C. v. Salazar*, 696 F. Supp. 2d 627, 638-639 (E.D. La. 2010):

> The plaintiffs assert that they have suffered and will continue to suffer irreparable harm as a result of the [government] moratorium. The Court agrees. Some of the plaintiffs' contracts have been affected; the Court is persuaded that it is only a matter of time before more business and jobs and livelihoods will be lost. The defendants trivialize such losses by characterizing them as merely a small percentage of the drilling rigs affected, but it does not follow that this will somehow reduce the convincing harm suffered. Furthermore,

courts have held that in making the determination of irreparable harm, "both harm to the parties and to the public may be considered." *In re Nw. Airlines Corp.,* 349 B.R. 338, 384 (S.D.N.Y.2006) (*quoting Long Island R.R. v. Int'l Ass'n of Machinists,* 874 F.2d 901, 910 (2nd Cir.1989)). The effect on employment, jobs, loss of domestic energy supplies caused by the moratorium as the plaintiffs (and other suppliers, and the rigs themselves) lose business, and the movement of the rigs to other sites around the world will clearly ripple throughout the economy in this region.

D. The balance of equities strongly favors Plaintiffs

In addition, the balance of equities strongly favors Plaintiffs. While Plaintiffs will likely incur the harms discussed above, NPS will incur no harm if injunctive relief is provided. The Pisgah Inn will continue providing the same services it has for thirty-five (35) years. The Pisgah Inn has never had nor does it need NPS day-to-day oversight. The Pisgah Inn's contracts sets forth the required guidelines for operations, and NPS has never before asserted that it needs to provide frequent oversight to its operations. This assertion was made for the first time to justify shutting down The Pisgah Inn pursuant to the decision by the United States Congress to reduce NPS's funding. Furthermore, NPS now has even more Park Rangers present than they ever had in the past, so, to the extent they believe their presence is necessary to protect the public safety and protect the resources, this can easily be done.

E. An injunction is in the public interest

Because there is no valid reason to shut down The Pisgah Inn, and in fact NPS has already found that The Pisgah Inn's operations are "necessary" and "should be provided" to the visiting public, it is clearly in the public interest to allow these operations to continue. The Pisgah Inn provides a valuable and "necessary" service to the public. NPS's effort to eliminate this service appears to be solely motivated by a desire to deliberately make the public angry. There is no other legitimate basis for NPS's clearly arbitrary decision. However, it is not fair to the public to make The Pisgah Inn a football in NPS's political battles with the United States Congress.

III. Conclusion

For the reasons set forth above, Lorna Weber and The Pisgah Inn respectfully request that their motion for a temporary restraining order and a preliminary injunction be granted.

Respectfully submitted,

s/ Jon Yarbrough
Jon Yarbrough
Constangy, Brooks & Smith, L.L.P.
84 Peachtree Road
Suite 230
Asheville, North Carolina 28803
Tel: 828.333.4218
Fax: 828.277.5138
jyarbrough@constangy.com

s/ Kevin R. Garden

Kevin R. Garden, DC Bar No. 426745
The Garden Law Firm P.C.
901 N. Pitt Street, Suite 325
Alexandria, VA 22314
(703) 535-5565
kevin@gardenlawfirm.com
Pro hac vice application pending

Dated: October 7, 2013

Young, Deirdre R

From: McDowall, Lena <lena_mcdowall@nps.gov>
Sent: Monday, October 07, 2013 6:06 PM
To: Lackey, Melissa; Shawn Benge
Cc: Roth, Barry; Sheaffer, C. B.; Foster, Maureen; Edward Boling
Subject: Re: Weber and Parkway Inn, Inc. v. Woods and Nat'l Park Service`

Melissa -

I don't have the park contact info, but I'e copied Shawn Benge in SER. He should have the contact numbers.

Thanks,

Lena

On Mon, Oct 7, 2013 at 5:49 PM, Lackey, Melissa <melissa.lackey@sol.doi.gov> wrote:
I just left a voicemail for Paul Taylor offering my assistance. I will also send him an email. In the meantime I will start working on an Answer that he may be able to use. Can someone at NPS send me phone numbers for someone at the Park who may be called as a witness in Asheville?

Melissa Lackey

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

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

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On Mon, Oct 7, 2013 at 5:33 PM, Roth, Barry <barry.roth@sol.doi.gov> wrote:
ATTORNEY CLIENT; ATTORNEY WORK PRODUCT

We have our fist TRO hearing on a concession. Melissa please work directly with AUSA Taylor at the number in the email.

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

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---------- Forwarded message ----------
From: **Caminiti, Mariagrazia** <marigrace.caminiti@sol.doi.gov>
Date: Mon, Oct 7, 2013 at 5:30 PM
Subject: Fwd: Weber and Parkway Inn, Inc. v. Woods and Nat'l Park Service`
To: Barry Roth <barry.roth@sol.doi.gov>

---------- Forwarded message ----------
From: **Sullivan, James (USANCW)** <James.Sullivan2@usdoj.gov>
Date: Mon, Oct 7, 2013 at 5:29 PM
Subject: Weber and Parkway Inn, Inc. v. Woods and Nat'l Park Service`
To: "MariaGrazia.caminiti@sol.doi.gov" <MariaGrazia.caminiti@sol.doi.gov>
Cc: "Taylor, Paul (USANCW)" <Paul.Taylor@usdoj.gov>, "Wilkinson, Terry (USANCW) [Contractor]" <Terry.Wilkinson@usdoj.gov>, "Gaddy, Debbie (USANCW)" <Debbie.Gaddy@usdoj.gov>

Mary Grace,

Thank you for taking my call about my Civil Chief's (Paul Taylor) handling of the defense of the TRO in the above-referenced case (*Weber v. Woods*) reportedly just filed within the hour in the Asheville Division of the Western District of North Carolina. A copy of the Complaint (not file stamped) is attached in the PDF form that I received it from the local counsel for the Plaintiffs. I am the "duty" attorney for our Civil Division today, but I expect Civil Chief Paul Taylor to be on duty tomorrow, especially because he will need to develop the Government's position in defense of the TRO. As I have told you, he can be reached tomorrow (and possibly this evening) at the Asheville Branch of the US Attorneys Office for the WDNC, phone number 828-271-4661; fax number 828-271-4670. Please deal with him directly, as I am simply trying to expedite connections for him on this new and urgent case. As I mentioned, the matter of this Parkway Inn having its access blocked has been the subject of news in this area, so there seems to be potential for even national news coverage of this lawsuit.

As I understand it from our brief telephone conversation, you will pass on news of this new TRO filing to the relevant personnel at your agency. I jotted down Jack Haugrud as the name of the current Acting Solicitor of the Department of Interior, but Paul Taylor likely will receive a call this evening or tomorrow from either an attorney being assigned to the case or from Sheila Simmons Ass't for Administration or Ed Keable, Deputy for General Law Matters. I understand that your office probably is being swamped with similar cases, but I also want to underscore that we will

appreciate whatever support you can expedite for this TRO, which, in my estimation, likely will be set for hearing in U.S. District Court in the next day or two.

I have cc'd Paul Taylor and two support staff that might be in the office on a rotating basis during the Shutdown. Please feel free to forward this email as appropriate and perhaps encourage recipients to hit "Reply All" with any response so that Paul and the support staff and myself can receive contact information in order to be sure that nothing falls through the cracks during this time of rotating schedules. For Paul Taylor's information, I reached you at 202-208-4423, if my memory serves me correctly.

Thank you,
Jim Sullivan

James M. Sullivan
Assistant United States Attorney
Western District of North Carolina
Suite 1650 Carillon Building
227 West Trade Street
Charlotte, NC 28202
Phone: 704-344-6222
Fax: 704-344-6629

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--

Marigrace Caminiti

Executive Assistant to the Solicitor

US Department of the Interior

1849 C Street, NW, Rm. 6415

Washington, DC 20240

202-208-3111 - direct

202-208-5584 - fax

202-528-0486 or 202-359-2949 -cell/wcell

^^

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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: Mark Woods <mark_woods@nps.gov>
Sent: Monday, October 07, 2013 11:28 AM
To: Stinnett, Steve
Cc: David Horne; Shawn Benge; William Reynolds; Debra Flowers
Subject: Re: Update

Thank you Steve.

Sent from my iPhone

On Oct 7, 2013, at 11:25 AM, "Stinnett, Steve" <steve_stinnett@nps.gov> wrote:

> Quiet. We had three rangers up there until midnight. Tim and one ranger went up this morning around 7:00 AM. Nothing happening. We will have two rangers at or in the area of the lodge until midnight tonight. Then one ranger in the area tomorrow morning. After today I do not expect to work people on OT, most staff are already back to regular hours and responsibilities. The CUGA and Chattanooga rangers will be driving home today (after the appropriate rest period).
>
> Other than the one reporter from the A-C-T yesterday we have seen no press interest in the Pisgah Inn closure. All of the current stories are rehash of prior reporting.
>
> 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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>
> On Mon, Oct 7, 2013 at 11:13 AM, Mark Woods <mark_woods@nps.gov> wrote:
> Hi Steve,
>
> How are things today?

Sent from my iPhone

Young, Deirdre R

From: Stinnett, Steve <steve_stinnett@nps.gov>
Sent: Monday, October 07, 2013 11:25 AM
To: Mark Woods
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Subject: Re: Update

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On Mon, Oct 7, 2013 at 11:13 AM, Mark Woods <mark_woods@nps.gov> wrote:
Hi Steve,

How are things today?

Sent from my iPhone

Young, Deirdre R

From: Mark Woods <mark_woods@nps.gov>
Sent: Sunday, October 06, 2013 3:45 PM
To: Steve Stinnett
Cc: David Horne; Shawn Benge; William Reynolds; Deb Flowers; Dana Soehn
Subject: Re: Updated Visitor Contact Guidance 10-6-13

Thanks Steve.

Sent from my iPhone

On Oct 6, 2013, at 3:43 PM, Steve Stinnett <steve_stinnett@nps.gov> wrote:

> Just issued first citation for closure (36 CFR 1.5) with collateral. Subject states that he will take to court. Only the person with the flag and placard is still here.
>
> On Oct 6, 2013, at 2:00 PM, Steve Stinnett <steve_stinnett@nps.gov> wrote:
>
> > No action so far. Two from yesterday asked me some questions and handed me a FOIA request for the names of the rangers that have worked up here. I told him that we would be able to process as soon as we could after the shutdown. They stated that they understood that. They said that they needed the names for the lawsuit that will be filed (as defendants/witnesses). They stated that no one from their group will be here today and tomorrow. They are headed to Atlanta today for another Tea Party activity and otherwise they have to go to work so that they can pay their bills.
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> > > Steve Stinnett
> > > Chief Ranger
> > > Blue Ridge Parkway

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---------- Forwarded message ----------
From: **Stinnett, Steve** <steve_stinnett@nps.gov>
Date: Sun, Oct 6, 2013 at 11:01 AM
Subject: Updated Visitor Contact Guidance 10-6-13
To: William Reynolds <william_f_reynolds@nps.gov>, David Horne <david_horne@nps.gov>, Shawn Benge <shawn_benge@nps.gov>

I added a setction on media and public contacts related to the talking points and PIOs

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
199 Hemphill Knob Rd
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Young, Deirdre R

From: Steve Stinnett <steve_stinnett@nps.gov>
Sent: Sunday, October 06, 2013 3:43 PM
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Cc: David Horne; Shawn Benge; William Reynolds; Deb Flowers; Dana Soehn
Subject: Re: Updated Visitor Contact Guidance 10-6-13

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Steve Stinnett
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Young, Deirdre R

From: Mark Woods <mark_woods@nps.gov>
Sent: Sunday, October 06, 2013 2:06 PM
To: Steve Stinnett
Cc: David Horne; Shawn Benge; William Reynolds; Deb Flowers; Dana Soehn
Subject: Re: Updated Visitor Contact Guidance 10-6-13

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Sent from my iPhone

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Young, Deirdre R

From: Steve Stinnett <steve_stinnett@nps.gov>
Sent: Sunday, October 06, 2013 1:57 PM
To: Mark Woods
Cc: David Horne; Shawn Benge; William Reynolds; Deb Flowers; Dana Soehn
Subject: Re: Updated Visitor Contact Guidance 10-6-13

No action so far. Two from yesterday asked me some questions and handed me a FOIA request for the names of the rangers that have worked up here. I told him that we would be able to process as soon as we could after the shutdown. They stated that they understood that. They said that they needed the names for the lawsuit that will be filed (as defendants/witnesses). They stated that no one from their group will be here today and tomorrow. They are headed to Atlanta today for another Tea Party activity and otherwise they have to go to work so that they can pay their bills.

Update: one person just arrived with a placard and a USA flag.

We will only have three people at the inn and 5 rangers patrolling in the 3 areas of the district after 3:30. I will remain but be at the kiosk out of sight.

On Oct 6, 2013, at 11:33 AM, Mark Woods <mark_woods@nps.gov> wrote:

> Thank you Steve. I am heading to Kentucky this afternoon to take check on things there. Please keep me posted via email or call if needed.
>
> Thanks to you and the ranger staff fore the outstanding work.
>
> Sent from my iPhone
>
> On Oct 6, 2013, at 11:15 AM, "Stinnett, Steve" <steve_stinnett@nps.gov> wrote:

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: Sun, Oct 6, 2013 at 11:01 AM
Subject: Updated Visitor Contact Guidance 10-6-13
To: William Reynolds <william_f_reynolds@nps.gov>, David Horne <david_horne@nps.gov>, Shawn Benge <shawn_benge@nps.gov>

I added a setction on media and public contacts related to the talking points and PIOs

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
199 Hemphill Knob Rd
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<BLRI Visitor Contact Guidance - Government Shutdown 2013.docx>

Young, Deirdre R

From: Reynolds, William <william_f_reynolds@nps.gov>
Sent: Saturday, October 05, 2013 10:22 AM
To: Mark Woods
Cc: Shawn Benge; David Horne
Subject: Re: Pisgah this morning

Thanks, Mark!

On Sat, Oct 5, 2013 at 10:16 AM, Mark Woods <mark_woods@nps.gov> wrote:
Staff advise the area is empty this morning. No media, no guests -
quiet so far.

Mark H. Woods
Superintendent
Blue Ridge Parkway

Sent from my iPad

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

Young, Deirdre R

From: Mark Woods <mark_woods@nps.gov>
Sent: Saturday, October 05, 2013 10:17 AM
To: Shawn Benge; William Reynolds; David Horne
Subject: Pisgah this morning

Staff advise the area is empty this morning. No media, no guests - quiet so far.

Mark H. Woods
Superintendent
Blue Ridge Parkway

Sent from my iPad

Young, Deirdre R

From: Crutchfield, Craig <Craig_Crutchfield@omb.eop.gov>
Sent: Wednesday, October 09, 2013 2:57 PM
To: Adrianne Moss (Adrianne_Moss@ios.doi.gov); Denise A. Flanagan (Denise_Flanagan@ios.doi.gov); Pam Haze; Bruce Sheaffer; Beverly Stephens (grace_stephens@nps.gov)
Cc: Schory, Daniel; Burnett, Ben
Subject: Food shortages and concession layoff at Grand Canyon NP

A very interesting article. I would like to cite in our daily impact update both the food shortages in GRCA and the 800 layoffs nationwide by Xanterra, but would like to see if NPS could confirm either of those. Sometimes these articles can exaggerate things.

Bruce/Grace, hope you are hanging in there. Any updates on Pisgah Inn, Claude Moore and Ford's Theater would be appreciated.

Grand Canyon food shortage turns dire

By Daily Sun Staff Read more

Rev. Patrick Dotson of Grand Canyon Community Church inside the national park has started an emergency assistance fund to help purchase food and other family necessities such as diapers, baby formula, pharmacy presciptions and propane.

Checks should be made out to and mailed to: Christian Community Assistance Fund, P.O. Box 1490, Grand Canyon, AZ 86023-1490.

St. Mary's Food Bank is set to deliver 600 food boxes to Grand Canyon National Park today and again on Friday as the federal shutdown strands thousands of employees inside the park without work and pay.

"It's had a devastating impact up there right away," said Jerry Brown, a spokesperson for St. Mary's Food Bank in Phoenix. "They count on that paycheck to get them through the week, so missing out on even one has a big impact."

An estimated 2,200 people are still inside the park, including 1,800 concessionaire employees.

"We're trying to help them as much as we can, but our revenue is struggling too," said Scott Gold, regional vice president of Forever Resorts, which holds the concessionaire contract at the North Rim. "We're having to tell them we don't know how long this thing will last.

One worker went to the company for help after he found himself without the resources to leave and find other work. The North Rim wasn't scheduled to close for the season for two more weeks.

"He said 'I don't know what to do. I have less than $100. I was relying on my last week's pay to get out of here,'" Gold said of the worker.

Xanterra, the park's largest contractor, continues to feed its employees three meals a day, but only provides one meal per day to family members of employees. Many other employees who live inside the National Park don't receive food from their employers.

'A TREMENDOUS NEED'

The Rev. Patrick Dotson is pastor at the Grand Canyon Community Church inside the national park. He says that historically, the park pastor will run a small food bank from his garage. It generally serves about six to 12 workers and park visitors at a time who find themselves in a crisis.

Last week, he started to see an increased need from employees who had missed a paycheck. As he'd leave out food boxes, the supplies would quickly disappear.

"It's designed for emergencies. It's not designed for ongoing care," Dotson said.

"As soon as I put things out they are gone that day — tables of food," he said. "There's a tremendous need within the park."

Dotson believes that the need will only become more desperate if the government shutdown continues and workers become more dependent.

St. Mary's has stepped up to fill the initial need for food boxes today and Friday, and it plans to follow through next week with more support as needed, but the nonprofit is running low on supplies itself, according to Brown.

LODGING FEES WAIVED

Gold pointed out that concessionaire employees are usually less well-paid than employees for the Park Service.

"In a national park you have a huge amount of minimum wage workers living paycheck-to-paycheck."

Gold says that Forever Resorts continues to feed its employees and has waived the small lodging fee charged to employees, but it can't afford to continue to pay employees when it has no revenue. Many of the concessionaire employees at the North Rim have already left, while others are stranded with nowhere to go.

Gold says that he doesn't blame the Park Service because he knows the directives are coming from higher up. But the decisions have frustrated many in the industry, including Gold. His company was instructed not to feed national park visitors last week after they were given eviction notices and told they had 48 hours to find other accommodations.

LOSING $250,000 A DAY

Forever Resorts, which operates private resorts and facilities in national parks and federal lands across the country, announced on Monday that it is losing $250,000 every day of the shutdown. That amounts to about half of the company's daily sales.

The downturn comes on the heels of what had been an otherwise solid year that had the company finally turning the corner after the end of the recession.

Xanterra estimates it is losing $1 million a day. The Grand Canyon's largest concessionaire laid off 800 employees nationwide on Monday.

Forever Resorts estimates that many of its remaining employees will leave the North Rim in the coming days and accommodations will likely not reopen on that side of the Canyon this year.

CONCESSIONAIRES LOBBY CONGRESS

Concessionaires at other national parks are experiencing the same kinds of losses.

A memo sent to Congress by the National Parks Hospitality Association and signed by a wide selection of park advocates and private business interests lobbied for legislators to end the gridlock and reopen the parks.

“This shutdown victimizes the American people and the businesses helping our economy to grow,” the memo said. “It needs to be ended swiftly and a lesson learned. The inability to resolve issues in Washington is imposing pain on the rest of the nation. That inability needs to end — now.”

http://azdailysun.com/news/local/state-and-regional/grand-canyon-food-shortage-turns-dire/article_df77fc4a-2fe3-11e3-96ba-001a4bcf887a.html