Young, Deirdre R

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

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

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

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

Were you okay with the talking points?

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

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

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

Sent from my iPhone

Begin forwarded message:

> **From:** <Colleen.Jenkins@thomsonreuters.com>
> **Date:** October 3, 2013, 11:22:52 AM EDT
> **To:** <Karen_Cucurullo@nps.gov>
> **Subject: Pisgah Inn**
>
> Hi Karen,
>
> I'm working on a story for Reuters about the Pisgah Inn in NC's Blue Ridge Mts choosing to stay open despite the government shutdown. Are you available to answer some questions regarding this matter? I can be reached at 727.331.4274.

Thanks!

Colleen

Colleen Jenkins
Correspondent, U.S. General News

Reuters

Thomson Reuters

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

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--
Sue Waldron
Assistant Director, Communications
National Park Service
(202) 208-3046
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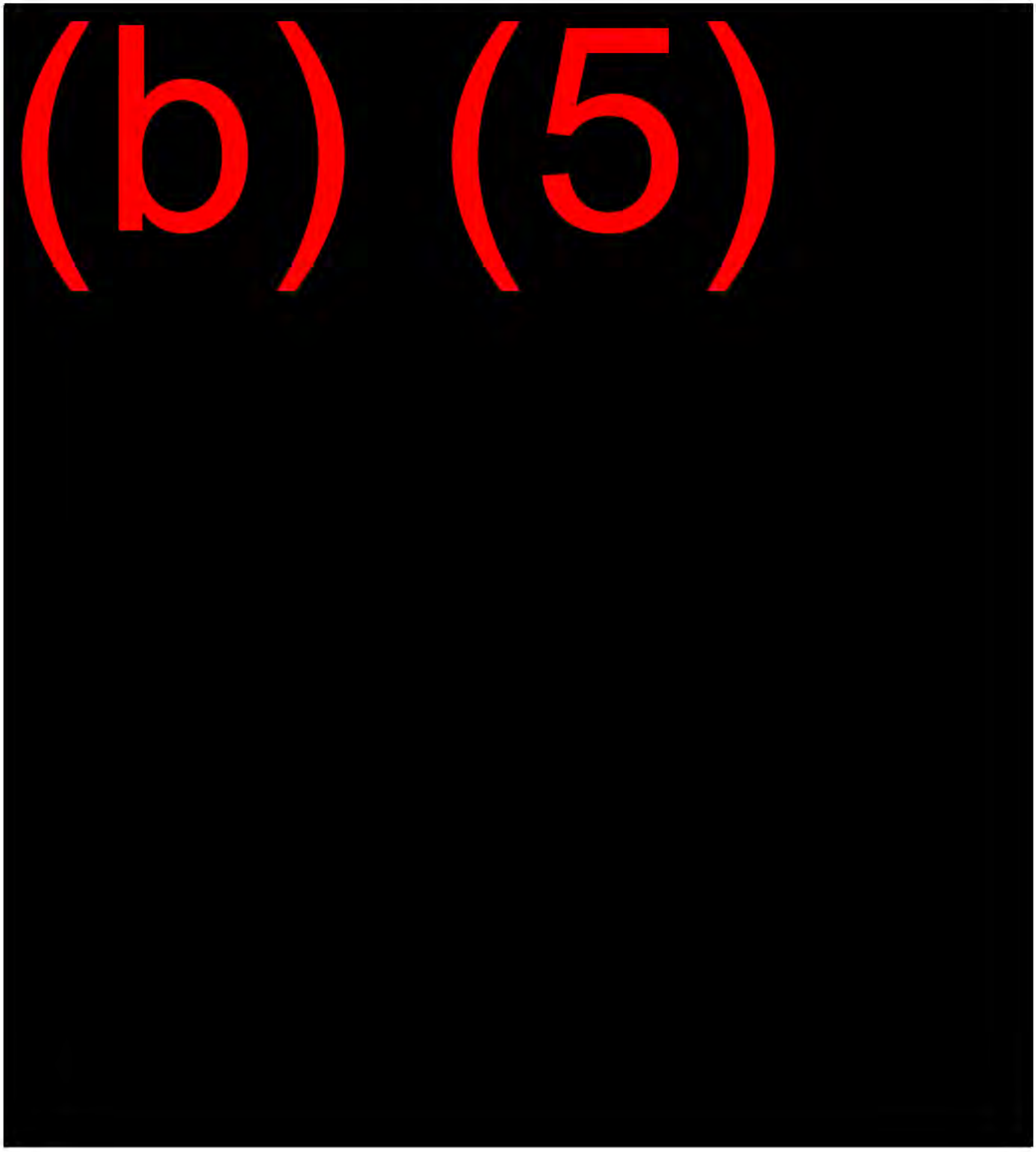
--
William F. Reynolds
Assistant Regional Director
National Park Service Southeast Region
404-507-5612

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



(b) (5)

DRAFT

Young, Deirdre R

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> Thanks!
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Colleen Jenkins
Correspondent, U.S. General News

Reuters

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Mobile: 727.331.4274
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Young, Deirdre R

From: William Reynolds <william_f_reynolds@nps.gov>
Sent: Thursday, October 03, 2013 2:16 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

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Young, Deirdre R

From: Litterst, Michael <mike_litterst@nps.gov>
Sent: Thursday, October 03, 2013 1:40 PM
To: Stinnett, Steve
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

Thanks for the update! Always glad to get good news from Steve Stinnett, with or without his Band of LOFRs!

Mike

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

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

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

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

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

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
199 Hemphill Knob Rd
Asheville, NC 28803
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On Thu, Oct 3, 2013 at 9:37 AM, Waldron, Suzanne <sue_waldron@nps.gov> wrote:
can someone attach the latest draft, please

On Thu, Oct 3, 2013 at 9:33 AM, Reynolds, William <william_f_reynolds@nps.gov> wrote:
Maybe just name a few of the well known concessions that ARE closed, and follow up with a statement along these lines: "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."

How does that sound to everyone?

Sue and Mike, please feel free to weigh in!

On Thu, Oct 3, 2013 at 9:12 AM, Stinnett, Steve <steve_stinnett@nps.gov> wrote:
Now that I think about it I suppose we should leave out the names (other than the concessions and locations like the manor house) and just give the totals for VCs, PAs, and CGs,

Steve Stinnett
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On Thu, Oct 3, 2013 at 8:38 AM, Stinnett, Steve <steve_stinnett@nps.gov> wrote:
Its long list of facilities (even without those closed due to the decreased funding related to Sequestration).

Steve Stinnett
Chief Ranger
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On Wed, Oct 2, 2013 at 9:05 PM, Reynolds, William <william_f_reynolds@nps.gov> wrote:
Steve, please take first crack at these DRAFT Talking Points. Others, feel free to chime in after Steve.
Thanks,
Bill

On Wed, Oct 2, 2013 at 7:59 PM, Suzanne Waldron <sue_waldron@nps.gov> wrote:
Can we see the tpts?

Sent from my iPhone

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

> Thanks, Steve! Looping in WASO
>
> ---
>
> **From**: Stinnett, Steve [mailto:steve_stinnett@nps.gov]
> **Sent**: Wednesday, October 02, 2013 03:46 PM
> **To**: William Reynolds <william_f_reynolds@nps.gov>
> **Cc**: Shawn Benge <shawn_benge@nps.gov>; David Horne <david_horne@nps.gov>

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

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

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

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

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

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On Wed, Oct 2, 2013 at 5:50 PM, William Reynolds <william_f_reynolds@nps.gov> wrote:
Steve, had two more phone calls with other parks, then had to catch my last bus home. Will finish the DRAFT talking points and send to you tonight.
Bill

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

copy

Steve Stinnett
Chief Ranger
Blue Ridge Parkway

199 Hemphill Knob Rd
Asheville, NC 28803
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On Wed, Oct 2, 2013 at 5:05 PM, Reynolds, William <william_f_reynolds@nps.gov> wrote:
I think it was fine, Steve. Moving forward, I would say that we are "reviewing the situation and will determine our course of action in due course." No need to mention WASO or Region.

Hope to have the talking points to you shortly.
Bill

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

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

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

Steve Stinnett
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Young, Deirdre R

From: Litterst, Michael <mike_litterst@nps.gov>
Sent: Thursday, October 03, 2013 1:23 PM
To: Jennifer Mummart
Cc: Blake Androff
Subject: Fwd: Claude Moore Colonial Farm

Forwarding to Jennifer Mummart, who handled similar inquiries yesterday.

Jennifer - written statement is probably better that a call;

Blake & Kate - do you want to see it before it goes?

Mike

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

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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---------- Forwarded message ----------
From: **Shutdown, DOI** <doi_shutdown@ios.doi.gov>
Date: Thu, Oct 3, 2013 at 11:51 AM
Subject: Fwd: Claude Moore Colonial Farm
To: Michael Litterst <mike_litterst@nps.gov>
Cc: Katherine Kelly <kate_kelly@ios.doi.gov>

---------- Forwarded message ----------
From: **Jenkins, Griff** <Griff.Jenkins@foxnews.com>
Date: Thu, Oct 3, 2013 at 11:43 AM
Subject: Claude Moore Colonial Farm
To: "doi_shutdown@ios.doi.gov" <doi_shutdown@ios.doi.gov>
Cc: "Verducci, Kara" <kara.Verducci@foxnews.com>
~~~~~~~~~~~~~~~~~~

Hi –

I am the reporter assigned to Greta Van Susteren's show on FNC and we are doing the story of Claude Moore Colonial Farm's closure today.

Wanted to reach out to see if you could make someone available to comment or send us a statement?

Thanks,

Griff

Griff Jenkins

Correspondent

FOX News Channel

(202) 374-8742 cell

(202) 824-6316 office

On the Record **with Greta Van Susteren** airs nationally **Mon-Fri at 10pET/9pCT** on the FOX News Channel

Young, Deirdre R

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Young, Deirdre R

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Young, Deirdre R

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

greta - will move this down in order of prioirity then

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> http://www.citizen-times.com/article/20131002/NEWS01/310020080/Pisgah-Inn-refuses-close-federal-shutdown
>
> http://www.usatoday.com/story/news/nation/2013/10/02/blue-ridge-lodge-to-defy-shutdown-order/2911875/
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Young, Deirdre R

From: Michael Litterst <mike_litterst@nps.gov>
Sent: Thursday, October 03, 2013 10:29 AM
To: Jonathan Jarvis; Margaret O'Dell; Maureen Foster; Lena McDowall
Subject: Fwd: Pisgah Inn update

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

Begin forwarded message:

From: "Stinnett, Steve" <steve_stinnett@nps.gov>
Date: October 3, 2013 10:10:27 AM EDT
To: "Waldron, Suzanne" <sue_waldron@nps.gov>
Cc: "Reynolds, William" <william_f_reynolds@nps.gov>, "shawn_benge@nps.gov" <shawn_benge@nps.gov>, "david_horne@nps.gov" <david_horne@nps.gov>, "mike_litterst@nps.gov" <mike_litterst@nps.gov>
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http://www.citizen-times.com/article/20131002/NEWS01/310020080/Pisgah-Inn-refuses-close-federal-shutdown

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

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

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Young, Deirdre R

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

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Young, Deirdre R

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

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> **Cc**: Shawn Benge <shawn_benge@nps.gov>; David Horne <david_horne@nps.gov>
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http://www.usatoday.com/story/news/nation/2013/10/02/blue-ridge-lodge-to-defy-shutdown-order/2911875/

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

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

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Asheville, NC 28803
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Sent: Wednesday, October 02, 2013 02:05 PM
To: Reynolds, William <william_f_reynolds@nps.gov>
Cc: Shawn Benge <shawn_benge@nps.gov>
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

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404-507-5612

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National Park Service
(202) 208-3046
Visit us at www.nps.gov

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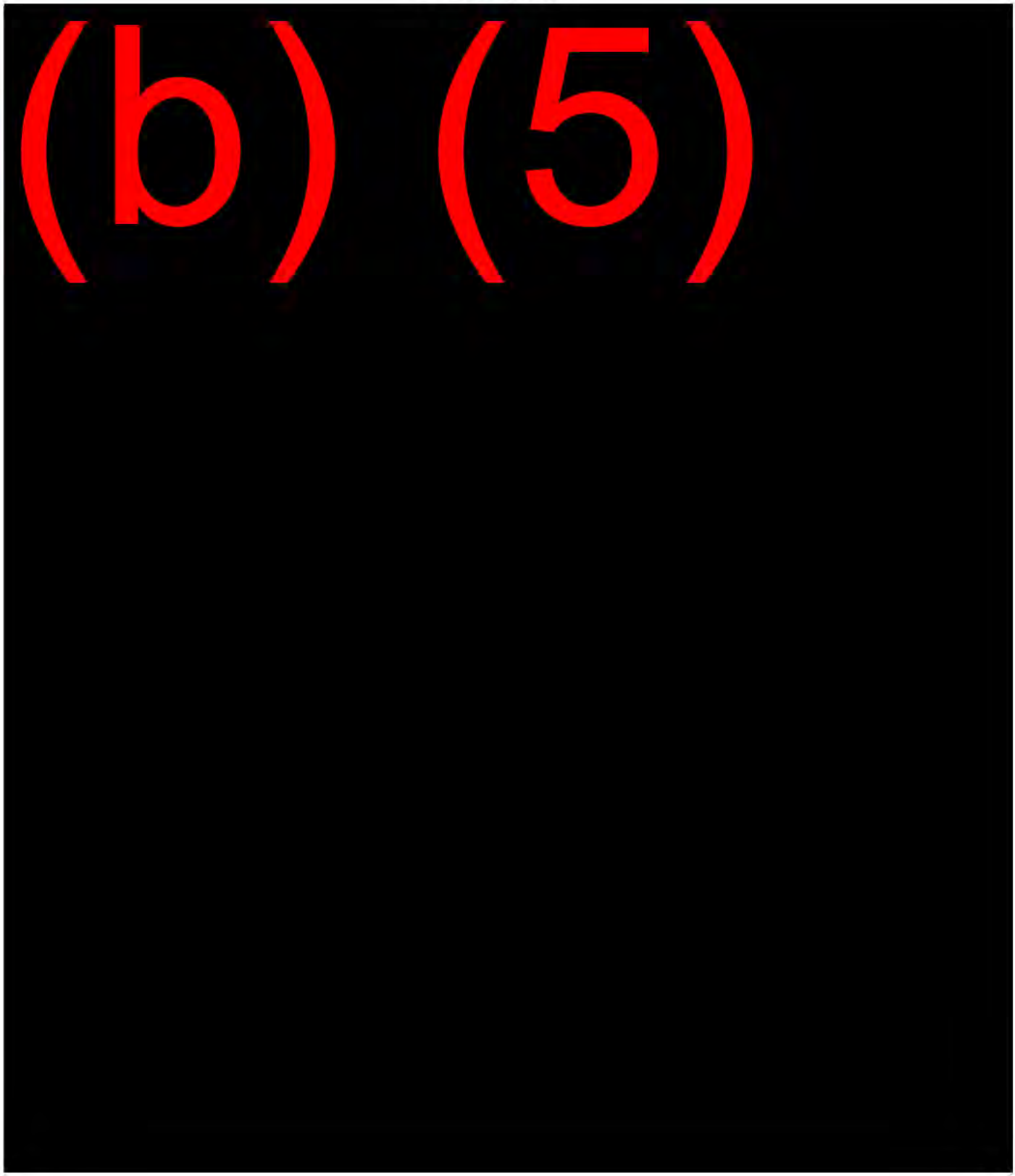
EXPERIENCE YOUR AMERICA

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



(b) (5)

DRAFT

Young, Deirdre R

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

Should be attached below.

---------- Forwarded message ----------
From: **Stinnett, Steve** <steve_stinnett@nps.gov>
Date: Thu, Oct 3, 2013 at 8:38 AM
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times
To: "Reynolds, William" <william_f_reynolds@nps.gov>
Cc: Suzanne Waldron <sue_waldron@nps.gov>, "shawn_benge@nps.gov" <shawn_benge@nps.gov>, "david_horne@nps.gov" <david_horne@nps.gov>, "mike_litterst@nps.gov" <mike_litterst@nps.gov>

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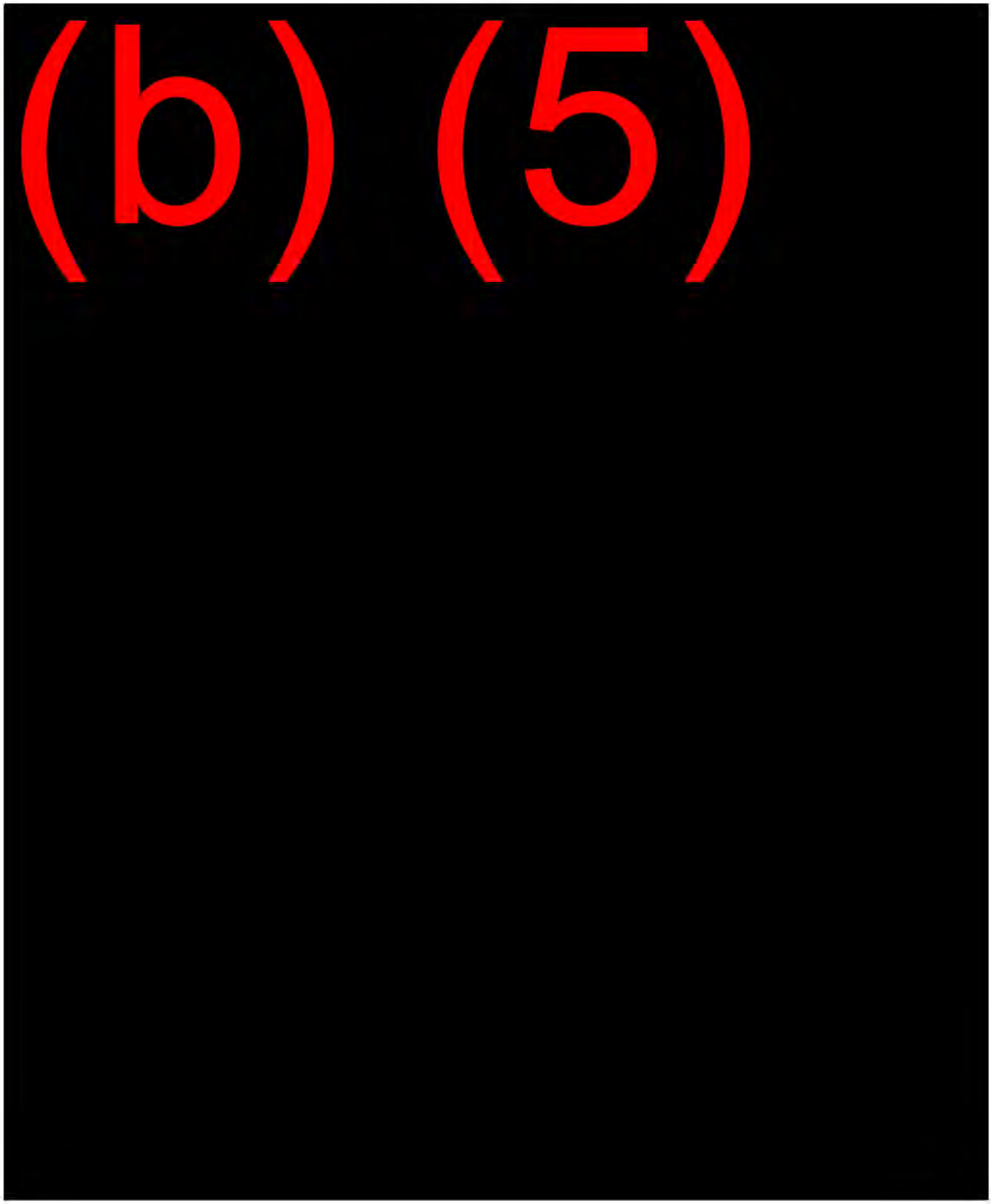
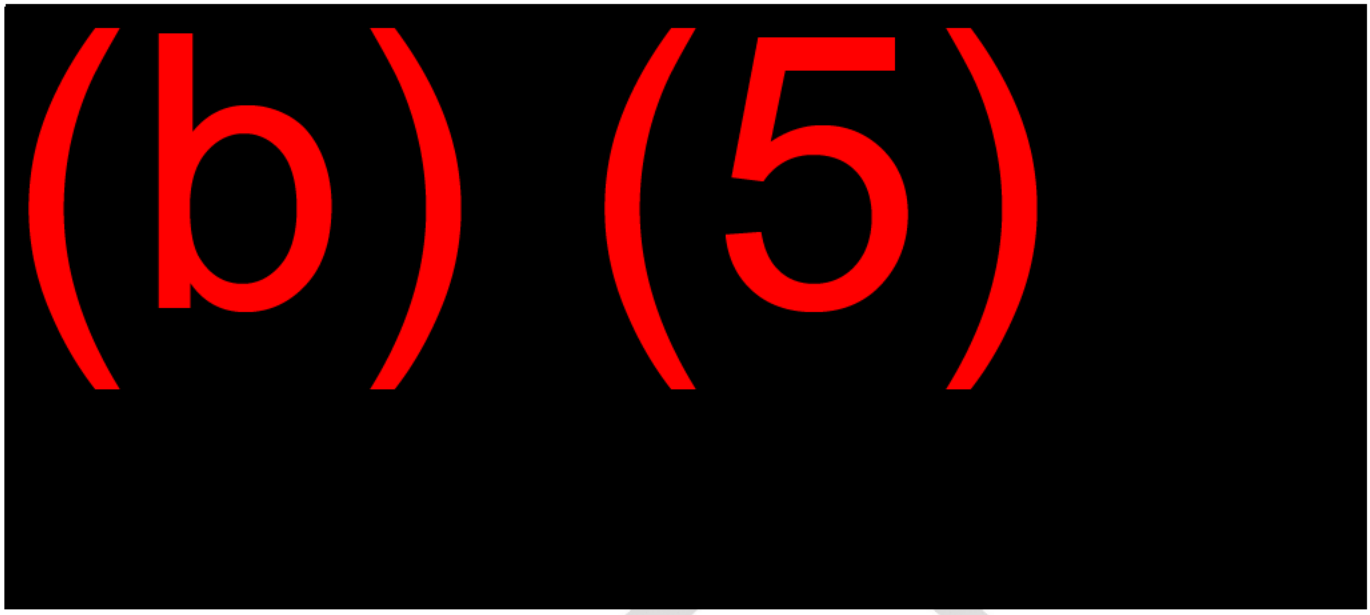
Blue Ridge Parkway – Pisgah Inn
DRAFT Talking Points
October 3, 2013





DRAFT

Young, Deirdre R

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

can someone attach the latest draft, please

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Young, Deirdre R

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

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

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Young, Deirdre R

From: Stinnett, Steve <steve_stinnett@nps.gov>
Sent: Thursday, October 03, 2013 9:13 AM
To: Reynolds, William
Cc: Suzanne Waldron; shawn_benge@nps.gov; david_horne@nps.gov; mike_litterst@nps.gov
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Young, Deirdre R

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To: Reynolds, William
Cc: Suzanne Waldron; shawn_benge@nps.gov; david_horne@nps.gov; mike_litterst@nps.gov
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times
Attachments: BLRI - Pisgah Inn Tlk Pts - 10-03-13.docx

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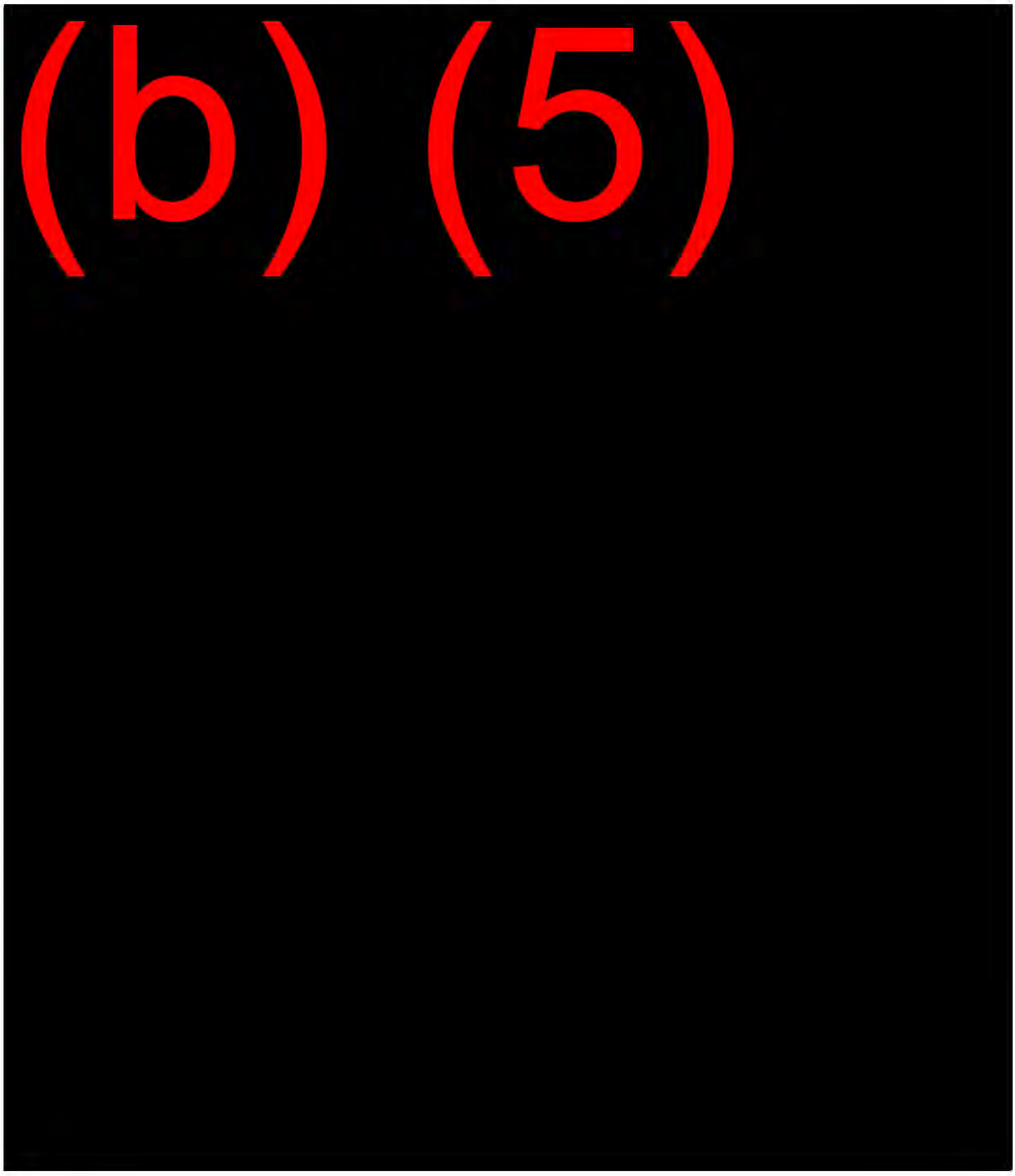
Blue Ridge Parkway – Pisgah Inn
DRAFT Talking Points
October 3, 2013



[redacted]

DRAFT

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

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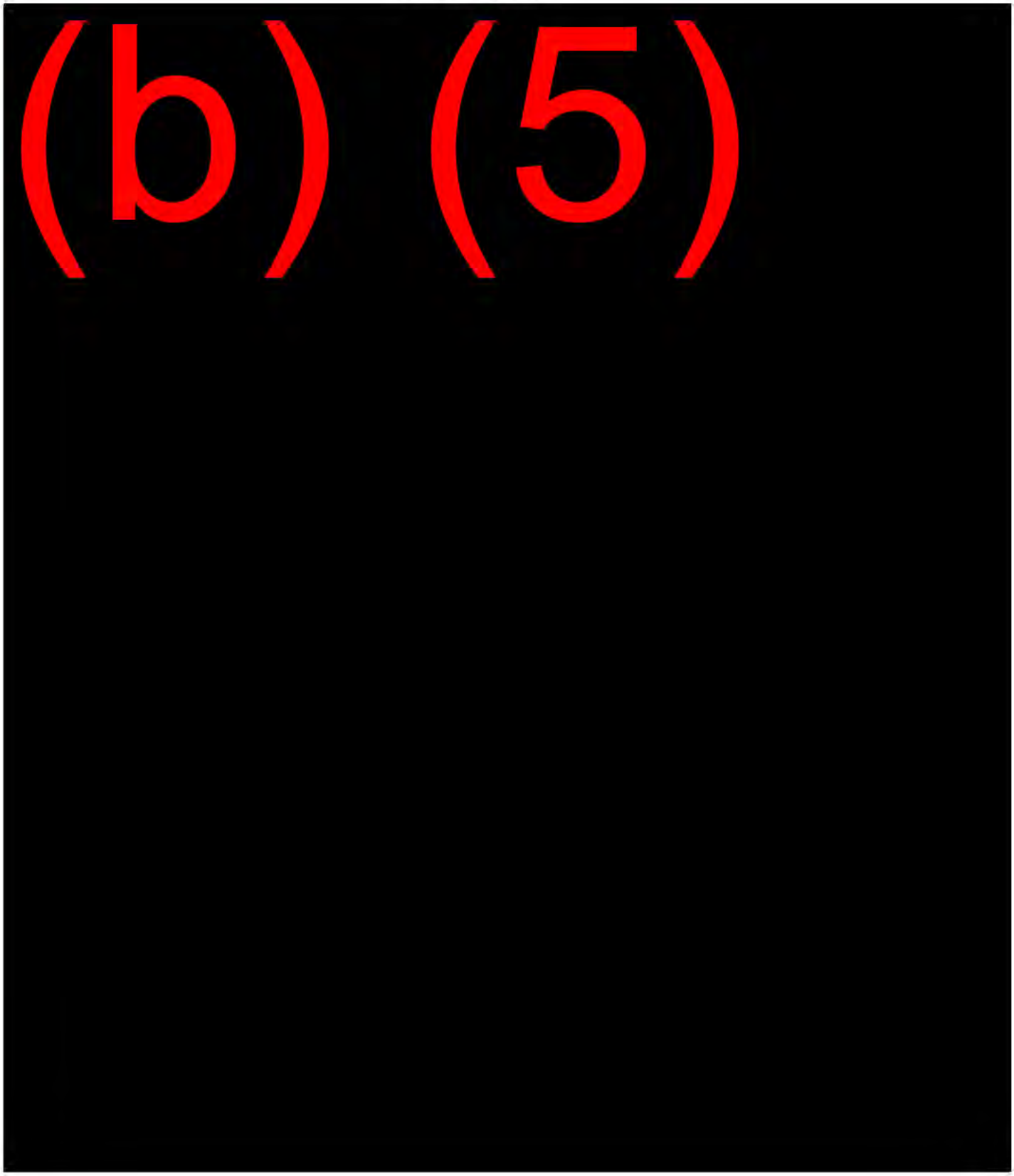
--
William F. Reynolds
Assistant Regional Director
National Park Service Southeast Region
404-507-5612

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

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



Young, Deirdre R

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

Pisgah inn defiance of closure is citing ww2 memorial as precedent

Sue Waldron
Assistant Director, Communications
National Park Service

Sent from my iPad

Begin forwarded message:

> **From:** William Reynolds <william_f_reynolds@nps.gov>
> **Date:** October 2, 2013, 8:00:40 PM EDT
> **To:** Sue_Waldron@nps.gov
> **Cc:** steve_stinnett@nps.gov, shawn_benge@nps.gov, david_horne@nps.gov, mike_litterst@nps.gov
> **Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times**
>
> Still in draft working on them at home. Will send revised to all shortly.
> Bill
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> **Sent**: Wednesday, October 02, 2013 04:59 PM
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> **Cc**: steve_stinnett@nps.gov <steve_stinnett@nps.gov>; shawn_benge@nps.gov <shawn_benge@nps.gov>; david_horne@nps.gov <david_horne@nps.gov>; mike_litterst@nps.gov <mike_litterst@nps.gov>
> **Subject**: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times
>
> Can we see the tpts?
>
> Sent from my iPhone
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> > Thanks, Steve! Looping in WASO
> >
> > ---
> >
> > **From**: Stinnett, Steve [mailto:steve_stinnett@nps.gov]
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> > **To**: William Reynolds <william_f_reynolds@nps.gov>
> > **Cc**: Shawn Benge <shawn_benge@nps.gov>; David Horne <david_horne@nps.gov>
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Here is a link to the Citizen Times and USA Today articles. They are affiliated. Also Asheville ABC affiliate WLOS.

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

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

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

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

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To: Sue_Waldron@nps.gov
Cc: steve_stinnett@nps.gov; shawn_benge@nps.gov; david_horne@nps.gov; mike_litterst@nps.gov
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Can we see the tpts?

Sent from my iPhone

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

copy

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National Park Service Southeast Region
404-507-5612

Young, Deirdre R

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

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> **Cc**: Shawn Benge <shawn_benge@nps.gov>; David Horne <david_horne@nps.gov>
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National Park Service Southeast Region
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William F. Reynolds
Assistant Regional Director
National Park Service Southeast Region
404-507-5612

Young, Deirdre R

From: Reynolds, William <william_f_reynolds@nps.gov>
Sent: Wednesday, October 02, 2013 3:15 PM
To: Waldron, Suzanne
Cc: Stinnett, Steve; Shawn Benge; Michael Litterst; Lena McDowall; Cam Sholly
Subject: Re: For your information see attached press release

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

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

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

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

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Bill,

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

Steve Stinnett
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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
Asheville, NC 28803
828/348-3426 (O)
828/271-4118 (F)
828/273-6215 (C)

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---------- Forwarded message ----------
From: (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

--
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>

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Date: Wed, Oct 2, 2013 at 2:11 PM
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Cc: (b) (6)

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

Bruce

--

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

--

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

PRESS RELEASE....FOR IMMEDIATE RELEASE

October 2, 2013

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

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

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

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

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

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

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

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

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

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

For more info:

Contact: Bruce O'Connell

Pisgahinn@aol.com

Young, Deirdre R

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

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

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

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

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

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

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
199 Hemphill Knob Rd
Asheville, NC 28803
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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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Cc: (b) (6)

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Bruce

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

--
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Assistant Director, Communications

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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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Bruce

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

Young, Deirdre R

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

press release is out -

Lena: what happened on the 1 pm call ?

---------- 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>

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Sue Waldron
Assistant Director, Communications
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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

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

But it is not a lease. A very different legal instrument than a concession. Can't start making exceptions. Fix it or next time

Sent from my iPad

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

> Dear Fellow travelers:
>
> The folks at Golden Gate have raised a question about the appropriateness of closing down the Cliff House - which is technically a concessions contract. However, as outlined in their briefing paper, they correctly point out that the 1970's era legislation established authority for it to be managed as a lease. In 1998 a concessions contract was issued that will be due in 2018. (a long concessions contract due to the amount of funding that the concessionaire had to invest in improvements. -- the NPS will have purchased all the possessory interest in 2018)
>
> In 2018, the property will be competed as a lease. Other complications, include the proximity of another former concessions contract property that is now under a lease (Louis' Restaurant.) make the decision sensitive.
>
> We'd appreciate you reviewing the park's briefing paper and giving us advice on how to proceed. Its an awkward situation and we wanted to consult with you on the best way to move forward. Thanks for your help and advice.
>
> -
>
> --
> Patty Neubacher
> Deputy Regional Director
> Pacific West Region
> (415) 623-2105 work
> (510) 604-9998 cell

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

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

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

From: Benge, Shawn <shawn_benge@nps.gov>
Sent: Thursday, October 03, 2013 8:52 PM
To: Margaret O'Dell
Subject: Re: Award

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

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

First I have heard about it. Working it!

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

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

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

> For your situational awareness; didn't see this on the list of issues from this morning.
>
> Mike
>
> ~~~~~~~~~~~~~~~~~~~~
> Mike Litterst
> Chief Spokesperson (acting)
>
> National Park Service
> 1849 C Street NW
> Washington, DC 20240
> Ph: (202) 513-0354
> Cell: (202) 306-4166
>
> The National Park Service cares for special places saved by the American people so that all may experience our heritage.
>
> EXPERIENCE YOUR AMERICA
>
> ---------- Forwarded message ----------
> From: **Shutdown, DOI** <doi_shutdown@ios.doi.gov>
> Date: Tue, Oct 8, 2013 at 11:14 AM
> Subject: Re: Media Request on deadline - Businesses in NP
> To: Alexis Zotos <azotos@wate.com>
> Cc: Michael Litterst <mike_litterst@nps.gov>

Looping in with Mike Litterst with the National Park Service.

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

Hello,

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

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

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

Thank you,

Alexis Zotos

--

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

From: Barry Roth <barry.roth@sol.doi.gov>
Sent: Sunday, October 06, 2013 5:39 PM
To: McDowall, Lena
Cc: Sholly, Cam; O'Dell, Peggy; Foster, Maureen; Edward Keable; Edward Boling
Subject: Re: Form letter

That us fine. She is available for telework if that is necessary.

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

Sent from my iPhone

On Oct 6, 2013, at 4:45 PM, "McDowall, Lena" <lena_mcdowall@nps.gov> wrote:

> Barry -
>
> Thanks. This letter will be very helpful. I don't think we have enough to ask for a full or even half-day of Melissa's time tomorrow. She's providing some comments on some Q&As for Communications Office on the difference between concessions contracts and leases, and we have already talked through the letter that needs to go to the concessioner at Hatteras. Continuing to have her available for telework as needed should be sufficient. I believe Melissa plans to let us know if she's out-of-pocket for any lengthy period of time tomorrow, so we know not to look for her assistance until she's able to hop on a computer again.
>
> Thanks,
>
> Lena
>
> On Sun, Oct 6, 2013 at 1:42 PM, Roth, Barry <barry.roth@sol.doi.gov> wrote:
> We have prepared a form letter that can be used to put the CAHA concessioner and others on notice of default under their contract.
>
> Please advise if you require Melissa's work tomorrow. As she did Friday, she can handle many if not all of these matters via telework.
>
> Thank you.
> 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: **Lackey, Melissa** <melissa.lackey@sol.doi.gov>
Date: Sun, Oct 6, 2013 at 1:31 PM
Subject: Form letter
To: Barry Roth <barry.roth@sol.doi.gov>

See revised version attached

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

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

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

Peggy,

We are still formulating options to react to the BLRI concession operator's refusal to shut down. The issue is now getting some national media attention (print). Every option we are putting on the table and working through in our minds has consequences. In most cases the consequences could have implications beyond the park and region. I'm not in a position, just yet, to come to you with a range of options with pros and cons (along with our preferred option). We should be there sometime this afternoon and **I would like to schedule some time to discuss with you around 3:00ish if that is possible?** I think it will be important you to have some level of comfort in our action plan. Also, this issue is consuming the park and has become a full time job for the coordinator (Chief Ranger). The coordinator doesn't have the ability to manage the coordination functions as a result. I need to bring back the Superintendent, in the short term, to manage the Mt. Pisgah issue. We need someone with political savvy. The only other option is the Deputy Supt and that's not a good option. I recognize the sensitivity around Supt's being on the job during the shutdown, however, this need is issue driven. Let me know if you have any concerns.

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

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

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

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

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

Sent from my iPhone

Begin forwarded message:

> **From:** Michael Litterst <mike_litterst@nps.gov>
> **Date:** October 3, 2013, 10:29:27 AM EDT
> **To:** Jonathan Jarvis <jon_jarvis@nps.gov>, "Margaret O'Dell" <peggy_o'dell@nps.gov>, Maureen Foster <maureen_foster@nps.gov>, Lena McDowall <Lena_McDowall@nps.gov>
> **Subject: Fwd: Pisgah Inn update**
>
> Mike Litterst
> Chief Spokesperson (Acting)
> National Park Service
> 1849 C Street NW room 3310
> Washington, D.C. 20240
> 202-513-0354 -office
> 202-306-4166 - mobile
>
> Begin forwarded message:
>
> > **From:** "Stinnett, Steve" <steve_stinnett@nps.gov>
> > **Date:** October 3, 2013 10:10:27 AM EDT
> > **To:** "Waldron, Suzanne" <sue_waldron@nps.gov>
> > **Cc:** "Reynolds, William" <william_f_reynolds@nps.gov>, "shawn_benge@nps.gov" <shawn_benge@nps.gov>, "david_horne@nps.gov" <david_horne@nps.gov>, "mike_litterst@nps.gov" <mike_litterst@nps.gov>
> > **Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times**

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

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

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

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

Steve Stinnett
Chief Ranger
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199 Hemphill Knob Rd
Asheville, NC 28803
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appropriate, to further disseminate law enforcement sensitive information to the field, as needed. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message.

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

On Thu, Oct 3, 2013 at 9:33 AM, Reynolds, William <william_f_reynolds@nps.gov> wrote:
Maybe just name a few of the well known concessions that ARE closed, and follow up with a statement along these lines: "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."

How does that sound to everyone?

Sue and Mike, please feel free to weigh in!

On Thu, Oct 3, 2013 at 9:12 AM, Stinnett, Steve <steve_stinnett@nps.gov> wrote:
Now that I think about it I suppose we should leave out the names (other than the concessions and locations like the manor house) and just give the totals for VCs, PAs, and CGs,

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

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

Steve Stinnett
Chief Ranger
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199 Hemphill Knob Rd
Asheville, NC 28803
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On Wed, Oct 2, 2013 at 9:05 PM, Reynolds, William <william_f_reynolds@nps.gov> wrote:
Steve, please take first crack at these DRAFT Talking Points. Others, feel free to chime in after Steve.
Thanks,
Bill

On Wed, Oct 2, 2013 at 7:59 PM, Suzanne Waldron <sue_waldron@nps.gov> wrote:
Can we see the tpts?

Sent from my iPhone

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

> Thanks, Steve! Looping in WASO
>
> **From**: Stinnett, Steve [mailto:steve_stinnett@nps.gov]
> **Sent**: Wednesday, October 02, 2013 03:46 PM
> **To**: William Reynolds <william_f_reynolds@nps.gov>
> **Cc**: Shawn Benge <shawn_benge@nps.gov>; David Horne <david_horne@nps.gov>
> **Subject**: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times
>
> Here is a link to the Citizen Times and USA Today articles. They are affiliated. Also Asheville ABC affiliate WLOS.

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

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

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

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Chief Ranger
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On Wed, Oct 2, 2013 at 5:50 PM, William Reynolds <william_f_reynolds@nps.gov> wrote:

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

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

copy

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
199 Hemphill Knob Rd
Asheville, NC 28803
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On Wed, Oct 2, 2013 at 5:05 PM, Reynolds, William <william_f_reynolds@nps.gov> wrote:
I think it was fine, Steve. Moving forward, I would say that we are "reviewing the situation and will determine our course of action in due course." No need to mention WASO or Region.

Hope to have the talking points to you shortly.
Bill

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

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

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

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

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

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

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

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

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

From: Bob Vogel <bob_vogel@nps.gov>
Sent: Friday, October 11, 2013 3:48 PM
To: Maureen Foster; Margaret O'Dell; Jon Jarvis
Subject: Fwd: NPS deal

Sent from my iPhone

Begin forwarded message:

> **From:** Paul Tetreault <pault@fords.org>
> **Date:** October 11, 2013, 3:36:46 PM EDT
> **To:** "Vogel, Bob" <bob_vogel@nps.gov>
> **Subject: FW: NPS deal**
>
> Bob,
>
> Please let me know if this is what you are looking for and if we can get some response from this today or tomorrow.
>
> Paul
>
> **********
> Paul R. Tetreault
> Director
> Ford's Theatre Society
> 514 Tenth Street, NW
> Washington, DC 20004
> 202-434-9540
> pault@fords.org
>
> **Visit our website at www.fords.org**
>
> ---
>
> **From:** Douglas Wilson
> **Sent:** Friday, October 11, 2013 3:31 PM
> **To:** Paul Tetreault
> **Subject:** NPS deal
>
> Evening performances by Ford's Theatre Society in the historic Ford's Theatre currently consume minimal federal resources. National Park Service administration and the rangers that assist with interpretation in the Theatre and in the Petersen House work during the hours of 8:00-5:30. Our evening performances start no earlier than 7:30 p.m. As patrons begin arriving, the Ford's Theatre Society staff is on hand to provide house management services in both the Society's lobby space and the Theatre. Ford's Theatre Society works with a roster of civilian volunteers who assist patrons with seating and emergencies as well as to help enforce NPS regulations regarding food, drink, and gum in the historic Theatre. All running crew, actors, and stage management are also Ford's Theatre Society employees paid by the Society.

Expenses that are incurred by NPS during Ford's Theatre Society performances are guard services and utilities. While there could be some incremental heating, cooling, and electrical expense because of the number of people in the space and the lighting of performances, most guard and utility expenses are incurred by NPS whether Ford's Theatre Society is hosting performances or not.

In the spirit of continued cooperation between the Society and NPS, the Society would agree, during this protracted government shutdown, to reimburse the National Park Service for the incremental utility costs associated with Ford's Theatre Society performances that take place in the Theatre. I'm sure we can agree on a baseline expense based on utility costs thus far during the shutdown, so that the Society's incremental costs can be determined.

Douglas Wilson
Director of Finance
Ford's Theatre Society
514 Tenth Street, NW
Washington, DC 20004
Phone: 202-434-9554 (direct)
www.fords.org
dwilson@fords.org

From: McDowall, Lena <lena_mcdowall@nps.gov>
Sent: Thursday, September 26, 2013 7:49 AM
To: Margaret O'Dell
Subject: Re: Shutdown and concessioners

In 2011 Jo made individual phone calls to the major concessioners. Parks were instructed to call their local concessioner. Some regions called "regional" concessioners (at that time Ortega was considered a "regional"). Commercial Services was not allowed to make notifications until the very last moment in 2011 which caused some problems. The calls from WASO themselves also caused a bit of confusion because major concessioners were getting a slightly different message from DC then they were getting locally.

We'd like to take a similar approach to 2011 with some differences. Calls from WASO and regional chiefs to concessioner corporate honchos will be courtesy calls to provide basic, general information along with more detailed info on what kind of instructions and communications their local managers can expect to get from the park. We can begin those phone calls as soon as we get the go ahead. I'd recommend we not do an all-concessioners phone call from WASO since local conditions will vary, and I'd like to avoid causing confusion.

All parks are required to inform their concessioners of the potential for shutdown and to notify them of shutdown procedures and timeline. In addition, each park is instructed to designate a POC (someone on the essential list) to provide ongoing information to concessioners for the duration of any shutdown event. Those instructions will go out today along with the Q&As I referenced in my earlier email.

On Thu, Sep 26, 2013 at 6:08 AM, Margaret O'Dell <peggy_o'dell@nps.gov> wrote:
Yes I saw those. I am concerned about how all will be notified.

Sent from my iPhone

On Sep 25, 2013, at 7:01 PM, Lena McDowall <lena_mcdowall@nps.gov> wrote:

> Will do. We also have concessions-specific instructions and Q&As to
> send to regional and park concessions staff as soon as Bruce sends out
> the general instructions.
>
> Sent from my iPhone
>
> On Sep 25, 2013, at 6:38 PM, Margaret O'Dell <peggy_o'dell@nps.gov> wrote:
>
>> Can you talk to Jo and get a reminder of how we notified
>> concessioners. I think we did a conference call for them. I need to
>> know early Thursday morning.
>> Thank you.
>> Sent from my iPhone

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

From: Foster, Maureen <maureen_foster@nps.gov>
Sent: Monday, September 30, 2013 1:55 PM
To: Jon Jarvis; Peggy O'Dell
Subject: Fwd: Special Park Use permits during government shut down
Attachments: Briefing closure.doc

These seem to make sense.

Are you both okay with it?

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

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---------- Forwarded message ----------
From: **Dickinson, Merle** <lee_dickinson@nps.gov>
Date: Mon, Sep 30, 2013 at 1:49 PM
Subject: Special Park Use permits during government shut down
To: Maureen Foster <maureen_foster@nps.gov>
Cc: Cam Sholly <cam_sholly@nps.gov>, Louis Rowe <louis_rowe@nps.gov>, Russel Wilson <russ_wilson@nps.gov>, Robert Eaton <robert.eaton@sol.doi.gov>, Jim Weiner <jim.weiner@sol.doi.gov>

Maureen

I wanted to make sure the Director's office was in agreement with this guidance.

I had several requests for guidance from parks concerning permits issued for **construction, agricultural and grazing uses**. I talked to Rob Eaton and Jim Weiner, Assistant Solicitor for Acquisitions and Intellectual Property in the Division of General Law.

Permits for construction - these are permit such as the Roseland-Susquehanna Line or the bridge construction by CSX where park land is being used for a non-government construction project. Larger project are generally monitored by NPS employees paid for by the permit holder through a cost recovery account. While there is some concern about perception, the final guidance

was that those projects could probably continue, as long as the NPS employees only worked hours that were reimbursable. This might mean part time work for some employees..

As far as agricultural permits, these are permits that are already issued for the use of park lands for a period of time, usually 5 years. With the parks closed, technically these individuals would not have access to harvest crops or work in the fields. And this is prime harvest time here in the northeast. Generally agricultural activities do not have an on site monitor. The solicitor guidance was that this was a much closer call, Rob in particular thought this could go either way, but the final guidance was that they feel this is a policy decision, but they have no problem with permit holders obtain access to work the fields as long as it doesn't involve spending any NPS money.

Rob recommended bringing this to the Director's attention ASAP, and said that after our discussion that he is okay with up just copying him, it doesn't need to be cleared through him first.

Recommendation:

- Authorize these activities to continue as long as they can continue without the expenditure of appropriated funds.
- Access should be granted as long as it can be reasonably accommodated by employees that are already on duty

Lee

--
(Merle) Lee Dickinson
National Park Service
Special Park Uses Program Manager
Washington
202-513-7092

Briefing Statement

Bureau:	**National Park Service**
Issue:	**Continuation of certain permitted activities during government shutdown – request for guidance**
Park Site:	**Servicewide**
Date:	**September 30, 2013**

Background:

- Parks have permits issued ongoing activities, such as construction, grazing and agricultural use
- Examples of permits issued for construction include the Roseland-Susquehanna line (DEWA) and the CSX railroad bridge construction (CHOH)
- Construction permit are monitored by NPS staff paid through a cost recovery account
- Agricultural permits this time of year involve primarily crop harvesting
- Grazing permits could require access to feed or water stock
- Grazing and Agricultural permits tend to not have on-site monitors
- Have discussed this issue with solicitors Rob Eaton and Jim Weiner (from general law)

Recommendation:

- Authorize these activities to continue as long as they can continue without the expenditure of appropriated funds.
- Access should be granted as long as it can be reasonably accommodated by employees that are already on duty

Contact: (Name and telephone number)

Lee Dickinson
Special Park Uses Program Manager – WASO
202/513-7092

From: Vogel, Bob <bob_vogel@nps.gov>
Sent: Tuesday, October 01, 2013 10:52 AM
To: Jonathan Jarvis; Margaret O'Dell; Bruce Sheaffer; Steve Whitesell; Lisa Mendelson; Maureen Foster
Cc: Carolyn Richard; William Cheek; Karen Cucurullo; Stephen Lorenzetti; Carol Johnson
Subject: Fords Theatre Update

Just had a conversation with Paul T. regarding my earlier notification letter. The conversation was very cordial. After discussion over why the Kennedy Center could pursue a daytime closure and nighttime opening I ultimately stated that I did feel confident that the NPS had legal authority to close the site. I assured him that I would take no offense if he wanted to escalate the decision. Ultimately he suggested the idea of hosting tonight's performance on the walk way and street. I told him I thought this would be a great win-win. I also assured him that the moment we receive permission to reopen we would try to make the theatre reopening a top priority.

I love shutdowns--we should do this every week!

Bob

Robert A. Vogel
Superintendent
National Mall and Memorial Parks
900 Ohio Drive, SW 20024-2000
(202) 245-4661
(202) 426-9303 (fax)

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

Peggy,

We are still formulating options to react to the BLRI concession operator's refusal to shut down. The issue is now getting some national media attention (print). Every option we are putting on the table and working through in our minds has consequences. In most cases the consequences could have implications beyond the park and region. I'm not in a position, just yet, to come to you with a range of options with pros and cons (along with our preferred option). We should be there sometime this afternoon and **I would like to schedule some time to discuss with you around 3:00ish if that is possible?** I think it will be important you to have some level of comfort in our action plan. Also, this issue is consuming the park and has become a full time job for the coordinator (Chief Ranger). The coordinator doesn't have the ability to manage the coordination functions as a result. I need to bring back the Superintendent, in the short term, to manage the Mt. Pisgah issue. We need someone with political savvy. The only other option is the Deputy Supt and that's not a good option. I recognize the sensitivity around Supt's being on the job during the shutdown, however, this need is issue driven. Let me know if you have any concerns.

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

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

From: Foster, Maureen <maureen_foster@nps.gov>
Sent: Thursday, October 03, 2013 9:35 AM
To: Palmer Jenkins
Cc: Patty Neubacher; Chris Lehnertz; Jon Jarvis; Peggy O'Dell
Subject: Fwd: FW: Department of Interiors appraisal of UW Bryant site

Chip:

Welcome back. When you get settled, would you please check into this and get back with me?

I will pass the information along to the Secretary.

Thanks much.

Maureen

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

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---------- Forwarded message ----------
From: **Sally Jewell** <[redacted]@ios.doi.gov>
Date: Thu, Oct 3, 2013 at 9:30 AM
Subject: FW: Department of Interiors appraisal of UW Bryant site
To: Maureen Foster <maureen_foster@nps.gov>
Cc: Jon Jarvis <jon_jarvis@nps.gov>, Margaret O'Dell <peggy_o'dell@nps.gov>

Dear Maureen –

Per an earlier message from the UW president, here is a further description. As before, please put this in the hopper to pass along as appropriate when we are back open for business. I will not get in the middle of this – just forwarding it along.

Thanks,

Sally

Begin forwarded message:

> **From:** "Michael K. Young" <president@uw.edu>
> **Date:** October 2, 2013 at 10:59:34 PM EDT
> **To:** 'Sally Jewell'
> **Subject: RE: Department of Interiors appraisal of UW Bryant site**
>
> Dear Sally,
>
> Thank you, and indeed, I have placed a call to Congress.
>
> We are primarily interested in getting a copy of the DOI appraiser report or letter so that we can resolve any issues that it outlines. We have no reason to believe that historic preservation is a part of problem. While the building is eligible to be nominated, it has not on any local, state or federal list.
>
> Mike

Jennifer Johnston | Office of the President

206.543.5010 | jcjmail@uw.edu

From: Sally Jewell
Sent: Tuesday, October 01, 2013 1:47 PM
To: Michael K. Young
Subject: Re: Department of Interiors appraisal of UW Bryant site

Mike -

We are shut down, so a response will have to wait until staff returns. The only staff that are allowed to be here are those engaged in life and property protection plus a few of us in presidential appointments so I am assuming the people who handle the appraisal won't even be accessible to us until the furlough ends. I will alert the NPS to the inquiry - I presume it is a historic structure?

Sorry...call Congress and ask them to stop the madness!

Sally

On Oct 1, 2013, at 3:01 PM, "Michael K. Young" <president@uw.edu> wrote:

> Dear Sally,
>
> I am writing today to seek your advice on a project that came before you when you were a Regent. As you recall, we have been working with WSDOT to turn the Bryant Building site into a City park to meet the 6f federal requirements. This project required the UW and the City to hire an appraiser to appraise both the converted properties in the Arboretum as well as the Bryant Building site which will become the replacement property. The appraisals have to be reviewed and approved by the National Park Service appraisers before the project can move forward. A week ago we were informed by our contact at the National Park Service, Heather Ramsey, that the appraisals were "rejected." We have not seen the report and cannot do anything to move the project along until we know why the appraisals were rejected. Ms. Ramsey's email message says she is out of the office and will get back to us by the end of the month. We, along with the City and WSDOT really want to get busy on resolving these appraisal issues and seek your help in getting a copy of the appraisal report as soon as possible.

Please let me know how you would suggest we move forward in getting a copy of the report.

Mike

Jennifer Johnston | Office of the President

206.543.5010 | jcjmail@uw.edu

From: Foster, Maureen <maureen_foster@nps.gov>
Sent: Thursday, October 03, 2013 9:42 AM
To: Lisa Mendelson
Cc: Bruce Sheaffer; Peggy O'Dell; Jon Jarvis; Sue Waldron; Michael Litterst
Subject: Fwd: TIME SENSITIVE Congressional | Request for Exemption from Closure for Glen Echo Park
Attachments: Glen Echo Park Exemption Request 10.02.2013.pdf

Lisa:

See the attached letter from Mr. Van Hollen. The incoming attachment incorrectly states that Fords Theatre is open.

Let's talk before we get back to him.

Thanks.

Maureen

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

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

---------- Forwarded message ----------
From: **Camacho, Lindsay** <Lindsay.Camacho@mail.house.gov>
Date: Thu, Oct 3, 2013 at 9:37 AM
Subject: TIME SENSITIVE Congressional | Request for Exemption from Closure for Glen Echo Park
To: "maureen_foster@nps.gov" <maureen_foster@nps.gov>

Good morning Maureen:

Thanks for speaking with me a few minutes ago.

I am writing on behalf of the Glen Echo Park Partnership for Arts & Cultures, Inc., a nonprofit organization in Congressman Van Hollen's congressional district, regarding the closure of Glen Echo Park due to the federal government shutdown.

I have attached an inquiry from the Congressman for Director Jarvis' review. Thank you for your kind and prompt attention to this matter.

Lindsay

Lindsay Camacho

Office of Rep. Chris Van Hollen

51 Monroe Street #507

Rockville, MD 20850

Tel: 301-424-3501

Fax: 301-424-5992

lindsay.camacho@mail.house.gov

Visit the Office of Congressman Van Hollen Online:
Website | Facebook | YouTube

CHRIS VAN HOLLEN
8TH DISTRICT, MARYLAND

COMMITTEE ON THE BUDGET

Congress of the United States
House of Representatives
Washington, DC 20515

1707 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5341

DISTRICT OFFICES:
51 MONROE STREET, #507
ROCKVILLE, MD 20850
(301) 424-3501

205 CENTER STREET
SUITE 206
MOUNT AIRY, MD 21771
(301) 829-2181

www.vanhollen.house.gov

October 2, 2013

Hon. Jonathan B. Jarvis
Director
National Park Service
Department of the Interior
1849 C Street, NW
Washington, DC 20240-0001

Dear Director Jarvis:

I am writing on behalf of the Glen Echo Park Partnership for Arts & Culture, Inc. ("the Partnership"), a nonprofit organization in my congressional district, regarding the closure of Glen Echo Park due to the federal government shutdown.

The attached letter from the Partnership's Executive Director outlines this matter in detail. As you may know, Glen Echo's programs and facilities are operated by Montgomery County, Maryland and the Partnership. No federal funds are used to pay for programs or staffing, so it is unclear why the Park must be closed. Ms. Boerner's letter describes the significant damages that will be incurred if the closure continues into this weekend.

It is important to note that Fort Mason Center in San Francisco, after which the Partnership and its relationship to Glen Echo Park were modeled, remains open and operating during the shutdown.

I would appreciate your reviewing the attached letter and giving serious consideration to the Park's request for an exemption from closure. Please direct all correspondence to me at the following address:

51 Monroe Street, Suite 507
Rockville, MD 20850
FAX: (301) 424-5992

If you need additional information, please contact Lindsay Camacho in my Rockville office at (301) 424-3501 or by email at lindsay.camacho@mail.house.gov.

Thank you for your assistance with this time-sensitive matter.

Sincerely,

Chris Van Hollen
Member of Congress

THIS STATIONERY PRINTED ON PAPER MADE OF RECYCLED FIBERS

Camacho, Lindsay

From: kboerner@glenechopark.org [mailto:kboerner@glenechopark.org]
Sent: Wednesday, October 02, 2013 4:05 PM
To: Camacho, Lindsay; Kleinman, Joan
Cc: Morningstar, Sara; Dise, David E.; Allan Stevens; Michael Bobbitt; Michael Burack
Subject: GLEN ECHO PARK AND GOVERNMENT SHUTDOWN
Importance: High

Dear Lindsay & Joan:

Please convey to Congressman Van Hollen that we are very dismayed with the closure of Glen Echo Park – especially in light of how we compare to the entities listed below.

Glen Echo Park's programs and facilities are operated by Montgomery County and by the Glen Echo Park Partnership – no federal funds are used to pay for our programs or staffing. We would like to continue NOT using federal money to operate the programs and continue to deliver services to our constituents.

We highly value the National Park Service staff who work here and their contributions to the Park, but also want to stipulate that our programs operate independent of the NPS involvement, although we are on federal property.

The closure threatens the existence of our presenting groups and artists, threatens the nonprofit that runs the Park and denies programming to thousands of people. It is a self-imposed closure by the National Park Service – one which the NPS could opt not to enforce given the private nature of most of the programming here. I cite the following examples:

Fort Mason (which we were modeled after) is open for business in San Francisco
Ford's Theater is open
Kennedy Center is open
Smithsonian is allowing non-federally funded staff to come in (trust fund salaried)

Given that the rationale for their remaining open is that they do not use federal funds to operate, we feel that same rationale should be applied to Glen Echo Park.

We will lose tens of thousands of dollars this weekend:

Adventure Theater-MTC Performances $4000 per performance X 5 = $20,000
Puppet Co. Performances $3000 per performance X 4 = $12,000
Wedding Rental $5,000
Dance Events in ballroom and Bumper Car Pavilion $22,000 in revenues
Arts Classes – $8,000 in lost revenues over the weekend

Total revenue to be lost over the two day weekend: $67,000

The impact on our small organizations will continue to climb as we get into multiples days or weeks of closure. Adventure Theater-MTC has $7,000 in school field trips planning for next week as an example.

WE URGE CONGRESSMAN VAN HOLLEN TO SEEK AN EXEMPTION FOR GLEN ECHO PARK FROM THE NATIONAL PARKS CLOSURE – we are essentially County and nonprofit operated and do not require federal funds to continue our operations.

I am including my colleagues on this email who operate programs at the Park, our Board President and representatives of Montgomery County.

Glen Echo Park is different from other parks and has a very delicate financial ecosystem – we ask that you take this into consideration and that the NPS be asked to acknowledge that the bulk of operations are paid for with non federal funds.

Thank you.

Regards,

Katey Boerner
Executive Director
Glen Echo Park Partnership for Arts & Culture, Inc.
7300 MacArthur Blvd.
Glen Echo, MD 20812
Tel. 301-634-2225
Fax. 301-634-2260
www.glenechopark.org
kboerner@glenechopark.org

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

Pisgah inn defiance of closure is citing ww2 memorial as precedent

Sue Waldron
Assistant Director, Communications
National Park Service

Sent from my iPad

Begin forwarded message:

> **From:** William Reynolds <william_f_reynolds@nps.gov>
> **Date:** October 2, 2013, 8:00:40 PM EDT
> **To:** Sue_Waldron@nps.gov
> **Cc:** steve_stinnett@nps.gov, shawn_benge@nps.gov, david_horne@nps.gov, mike_litterst@nps.gov
> **Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times**
>
> Still in draft working on them at home. Will send revised to all shortly.
> Bill
>
> ---
>
> **From**: Suzanne Waldron [mailto:sue_waldron@nps.gov]
> **Sent**: Wednesday, October 02, 2013 04:59 PM
> **To**: William Reynolds <william_f_reynolds@nps.gov>
> **Cc**: steve_stinnett@nps.gov <steve_stinnett@nps.gov>; shawn_benge@nps.gov <shawn_benge@nps.gov>; david_horne@nps.gov <david_horne@nps.gov>; mike_litterst@nps.gov <mike_litterst@nps.gov>
> **Subject**: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times
>
> Can we see the tpts?
>
> Sent from my iPhone
>
> On Oct 2, 2013, at 7:47 PM, William Reynolds <william_f_reynolds@nps.gov> wrote:
>
> > Thanks, Steve! Looping in WASO
> >
> > ---
> >
> > **From**: Stinnett, Steve [mailto:steve_stinnett@nps.gov]
> > **Sent**: Wednesday, October 02, 2013 03:46 PM
> > **To**: William Reynolds <william_f_reynolds@nps.gov>
> > **Cc**: Shawn Benge <shawn_benge@nps.gov>; David Horne <david_horne@nps.gov>

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

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

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

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

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

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

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On Wed, Oct 2, 2013 at 5:50 PM, William Reynolds <william_f_reynolds@nps.gov> wrote:

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

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

copy

Steve Stinnett

Chief Ranger
Blue Ridge Parkway
199 Hemphill Knob Rd
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On Wed, Oct 2, 2013 at 5:05 PM, Reynolds, William <william_f_reynolds@nps.gov> wrote:
I think it was fine, Steve. Moving forward, I would say that we are "reviewing the situation and will determine our course of action in due course." No need to mention WASO or Region.

Hope to have the talking points to you shortly.
Bill

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

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

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

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
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--
William F. Reynolds
Assistant Regional Director
National Park Service Southeast Region
404-507-5612

From: Sholly, Cam <cam_sholly@nps.gov>
Sent: Thursday, October 03, 2013 9:56 AM
To: O'Dell, Margaret
Subject: Re: BLRI (Mt. Pisgah) and Tropical Storm

Don't we have the cattle grazing thing at 3:00?

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

On Thu, Oct 3, 2013 at 9:51 AM, O'Dell, Margaret <peggy_o'dell@nps.gov> wrote:
Hi Shawn,

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

Non-responsive

Cam and Lena also invited to that meeting.

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

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

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

Peggy,

We are still formulating options to react to the BLRI concession operator's refusal to shut down. The issue is now getting some national media attention (print). Every option we are putting on the table and working through in our minds has consequences. In most cases the consequences could have implications beyond the park and region. I'm not in a position, just yet, to come to you with a range of options with pros and cons (along with our preferred option). We should be there sometime this afternoon and **I would like to schedule some time to discuss with you around 3:00ish if that is possible?** I think it will be important you to have some level of comfort in our action plan. Also, this issue is consuming the park and has become a full time job for the coordinator (Chief Ranger). The coordinator doesn't have the ability to manage the coordination

functions as a result. I need to bring back the Superintendent, in the short term, to manage the Mt. Pisgah issue. We need someone with political savvy. The only other option is the Deputy Supt and that's not a good option. I recognize the sensitivity around Supt's being on the job during the shutdown, however, this need is issue driven. Let me know if you have any concerns.

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

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

From: Michael Litterst <mike_litterst@nps.gov>
Sent: Thursday, October 03, 2013 10:29 AM
To: Jonathan Jarvis; Margaret O'Dell; Maureen Foster; Lena McDowall
Subject: Fwd: Pisgah Inn update

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

Begin forwarded message:

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

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

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
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 10:07 AM, Waldron, Suzanne <sue_waldron@nps.gov> wrote:
thaks - headingin to a meeting so will eb back to you before noon with any questions/edits

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

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

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
199 Hemphill Knob Rd
Asheville, NC 28803
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On Thu, Oct 3, 2013 at 9:37 AM, Waldron, Suzanne <sue_waldron@nps.gov> wrote:
can someone attach the latest draft, please

On Thu, Oct 3, 2013 at 9:33 AM, Reynolds, William <william_f_reynolds@nps.gov> wrote:
Maybe just name a few of the well known concessions that ARE closed, and follow up with a statement along these lines: "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."

How does that sound to everyone?

Sue and Mike, please feel free to weigh in!

On Thu, Oct 3, 2013 at 9:12 AM, Stinnett, Steve <steve_stinnett@nps.gov> wrote:
Now that I think about it I suppose we should leave out the names (other than the concessions and locations like the manor house) and just give the totals for VCs, PAs, and CGs,

Steve Stinnett
Chief Ranger

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On Thu, Oct 3, 2013 at 8:38 AM, Stinnett, Steve <steve_stinnett@nps.gov> wrote:
Its long list of facilities (even without those closed due to the decreased funding related to Sequestration).

Steve Stinnett
Chief Ranger
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On Wed, Oct 2, 2013 at 9:05 PM, Reynolds, William <william_f_reynolds@nps.gov> wrote:
Steve, please take first crack at these DRAFT Talking Points. Others, feel free to chime in after Steve.
Thanks,
Bill

On Wed, Oct 2, 2013 at 7:59 PM, Suzanne Waldron <sue_waldron@nps.gov> wrote:
Can we see the tpts?

Sent from my iPhone

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

Thanks, Steve! Looping in WASO

From: Stinnett, Steve [mailto:steve_stinnett@nps.gov]
Sent: Wednesday, October 02, 2013 03:46 PM
To: William Reynolds <william_f_reynolds@nps.gov>
Cc: Shawn Benge <shawn_benge@nps.gov>; David Horne <david_horne@nps.gov>
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

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

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

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

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

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

From: Stinnett, Steve [mailto:steve_stinnett@nps.gov]
Sent: Wednesday, October 02, 2013 02:05 PM

To: Reynolds, William <william_f_reynolds@nps.gov>
Cc: Shawn Benge <shawn_benge@nps.gov>
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

copy

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

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

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

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

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EXPERIENCE YOUR AMERICA

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

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EXPERIENCE YOUR AMERICA

From: Cam Sholly <cam_sholly@nps.gov>
Sent: Thursday, October 03, 2013 10:39 AM
To: O'Dell, Margaret
Subject: Re: BLRI (Mt. Pisgah) and Tropical Storm

Sounds good.

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

Sent Wirelessly

On Oct 3, 2013, at 10:07 AM, "O'Dell, Margaret" <peggy_o'dell@nps.gov> wrote:

> yes, but this is more important to us. We can either blow off the cattle grazing because it is not critical to do today or we can split up. Let's talk after our 10:15.
>
> On Thu, Oct 3, 2013 at 9:56 AM, Sholly, Cam <cam_sholly@nps.gov> wrote:
> Don't we have the cattle grazing thing at 3:00?
>
> Cameron Sholly
> Associate Director
> Visitor and Resource Protection
> National Park Service
> (202) 565-1020-w
> (202) 501-1287-f
>
> On Thu, Oct 3, 2013 at 9:51 AM, O'Dell, Margaret <peggy_o'dell@nps.gov> wrote:
> Hi Shawn,
>
> More than happy to have conversations this afternoon. Let's plan on 3:00 EDT and you can use this number to call in:
>
> 866-767-0316
> code 9312232

Cam and Lena also invited to that meeting.

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

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

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

Peggy,

We are still formulating options to react to the BLRI concession operator's refusal to shut down. The issue is now getting some national media attention (print). Every option we are putting on the table and working through in our minds has consequences. In most cases the consequences could have implications beyond the park and region. I'm not in a position, just yet, to come to you with a range of options with pros and cons (along with our preferred option). We should be there sometime this afternoon and **I would like to schedule some time to discuss with you around 3:00ish if that is possible?** I think it will be important you to have some level of comfort in our action plan. Also, this issue is consuming the park and has become a full time job for the coordinator (Chief Ranger). The coordinator doesn't have the ability to manage the coordination functions as a result. I need to bring back the Superintendent, in the short term, to manage the Mt. Pisgah issue. We need someone with political savvy. The only other option is the Deputy Supt and that's not a good option. I recognize the sensitivity around Supt's being on the job during the shutdown, however, this need is issue driven. Let me know if you have any concerns.

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

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

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

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

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

Sent from my iPhone

Begin forwarded message:

> **From:** Michael Litterst <mike_litterst@nps.gov>
> **Date:** October 3, 2013, 10:29:27 AM EDT
> **To:** Jonathan Jarvis <jon_jarvis@nps.gov>, "Margaret O'Dell" <peggy_o'dell@nps.gov>, Maureen Foster <maureen_foster@nps.gov>, Lena McDowall <Lena_McDowall@nps.gov>
> **Subject: Fwd: Pisgah Inn update**
>
> Mike Litterst
> Chief Spokesperson (Acting)
> National Park Service
> 1849 C Street NW room 3310
> Washington, D.C. 20240
> 202-513-0354 -office
> 202-306-4166 - mobile
>
> Begin forwarded message:
>
> > **From:** "Stinnett, Steve" <steve_stinnett@nps.gov>
> > **Date:** October 3, 2013 10:10:27 AM EDT
> > **To:** "Waldron, Suzanne" <sue_waldron@nps.gov>
> > **Cc:** "Reynolds, William" <william_f_reynolds@nps.gov>, "shawn_benge@nps.gov" <shawn_benge@nps.gov>, "david_horne@nps.gov" <david_horne@nps.gov>, "mike_litterst@nps.gov" <mike_litterst@nps.gov>
> > **Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times**

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

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

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

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

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
199 Hemphill Knob Rd
Asheville, NC 28803
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appropriate, to further disseminate law enforcement sensitive information to the field, as needed. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message.

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

On Thu, Oct 3, 2013 at 9:33 AM, Reynolds, William <william_f_reynolds@nps.gov> wrote:
Maybe just name a few of the well known concessions that ARE closed, and follow up with a statement along these lines: "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."

How does that sound to everyone?

Sue and Mike, please feel free to weigh in!

On Thu, Oct 3, 2013 at 9:12 AM, Stinnett, Steve <steve_stinnett@nps.gov> wrote:
Now that I think about it I suppose we should leave out the names (other than the concessions and locations like the manor house) and just give the totals for VCs, PAs, and CGs,

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

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

Steve Stinnett
Chief Ranger
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On Wed, Oct 2, 2013 at 9:05 PM, Reynolds, William <william_f_reynolds@nps.gov> wrote:
Steve, please take first crack at these DRAFT Talking Points. Others, feel free to chime in after Steve.
Thanks,
Bill

On Wed, Oct 2, 2013 at 7:59 PM, Suzanne Waldron <sue_waldron@nps.gov> wrote:
Can we see the tpts?

Sent from my iPhone

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

> Thanks, Steve! Looping in WASO
>
> **From**: Stinnett, Steve [mailto:steve_stinnett@nps.gov]
> **Sent**: Wednesday, October 02, 2013 03:46 PM
> **To**: William Reynolds <william_f_reynolds@nps.gov>
> **Cc**: Shawn Benge <shawn_benge@nps.gov>; David Horne <david_horne@nps.gov>
> **Subject**: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times
>
> Here is a link to the Citizen Times and USA Today articles. They are affiliated. Also Asheville ABC affiliate WLOS.

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

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

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

Steve Stinnett
Chief Ranger
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On Wed, Oct 2, 2013 at 5:50 PM, William Reynolds <william_f_reynolds@nps.gov> wrote:

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

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

copy

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
199 Hemphill Knob Rd
Asheville, NC 28803
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On Wed, Oct 2, 2013 at 5:05 PM, Reynolds, William <william_f_reynolds@nps.gov> wrote:
I think it was fine, Steve. Moving forward, I would say that we are "reviewing the situation and will determine our course of action in due course." No need to mention WASO or Region.

Hope to have the talking points to you shortly.
Bill

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

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

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

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

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

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

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

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

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

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

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

Is this okay?

Maureen D. Foster
National Park Service
202.208.5970

Begin forwarded message:

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

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

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

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

Please let me know if you have any other questions.

All my best,
Nikki

Here's more on the Antideficiency Act:

The Antideficiency Act prohibits federal employees from

- making or authorizing an expenditure from, or creating or authorizing an obligation under, any appropriation or fund in excess of the amount available in the appropriation or fund unless authorized by law. 31 U.S.C. § 1341(a)(1)(A).

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

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

From: Foster, Maureen <maureen_foster@nps.gov>
Sent: Thursday, October 03, 2013 3:41 PM
To: Bruce Sheaffer; Sue Waldron; Michael Litterst; Peggy O'Dell; Edward Boling
Subject: Fwd: Any update on Glen Echo?
Attachments: Glen Echo Park Exemption Request 10.02.2013.pdf

Are we okay with this language? I have attached the incoming.

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

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---------- Forwarded message ----------
From: **Mendelson, Lisa** <lisa_mendelson-ielmini@nps.gov>
Date: Thu, Oct 3, 2013 at 2:59 PM
Subject: Re: Any update on Glen Echo?
To: "Foster, Maureen" <maureen_foster@nps.gov>

Sorry, literally in mtgs every moment. Pls take a look -- I've highlighted text that differs from your SD letter: Now I'm searching for letterhead.....

DRAFT 10.3.13

Honorable Chris Van Hollen

8th District, Maryland

51 Monroe Street, Suite 507

Rockville, MD 20850

Thank you for your letter of October 3, 2013 regarding the closure of Glen Echo Park due to the federal government shutdown.

The letter says that "No federal funds are used to pay for programs or staffing, so it is unclear why the Park must be closed." The National Park Service is responsible for bringing to life the history of Glen Echo Park through on site NPS interpretive rangers and the visitor contact station at Glen Echo Park. Additionally, we provide safety and food health inspections as well as provide safety in the parking lots during large activities such as those described for this weekend. The NPS also provides grounds maintenance for the entire site, exterior maintenance, parking lot maintenance, maintenance of the comfort station, law enforcement, and alarm systems for all structures. It is accurate that we do not provide any direct grants to the Glen Echo Park Partnership for Arts & Culture, Inc.

National Parks are a source of pride for all Americans and serve as economic engines for local communities across the nation. We appreciate your support for Glen Echo Park, and we share your desire to reopen Glen Echo – and all 401 national parks – as soon as possible. However, we cannot reopen Glen Echo without the National Park Service staff who provide the vital visitor services as described above.

Glen Echo Park is one of 401 national parks in the National Park System. The National Park System is managed for the common benefit of all the people of the United States, and requires federal appropriations to fulfill its mission and responsibilities. As a result of the lapse in federal appropriations, the entire National Park System is closed and cannot be reopened until funding is restored. Beyond the legal constraints involved, it would not be feasible or appropriate to open some parks or some parts of parks while other parts of the National Park System remain closed to the public.

We continue to hope for a speedy resolution to the lapse in federal appropriation so that we may reopen Glen Echo Park and America's 400 other national parks for the enjoyment of millions of visitors.

_____

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

On Thu, Oct 3, 2013 at 2:13 PM, Foster, Maureen <maureen_foster@nps.gov> wrote:
Congressional office is calling me back.

_____

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

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CHRIS VAN HOLLEN
8TH DISTRICT, MARYLAND

COMMITTEE ON THE BUDGET

Congress of the United States
House of Representatives
Washington, DC 20515

1707 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5341

DISTRICT OFFICES:
51 MONROE STREET, #507
ROCKVILLE, MD 20850
(301) 424-3501

205 CENTER STREET
SUITE 206
MOUNT AIRY, MD 21771
(301) 829-2181

www.vanhollen.house.gov

October 2, 2013

Hon. Jonathan B. Jarvis
Director
National Park Service
Department of the Interior
1849 C Street, NW
Washington, DC 20240-0001

Dear Director Jarvis:

I am writing on behalf of the Glen Echo Park Partnership for Arts & Culture, Inc. ("the Partnership"), a nonprofit organization in my congressional district, regarding the closure of Glen Echo Park due to the federal government shutdown.

The attached letter from the Partnership's Executive Director outlines this matter in detail. As you may know, Glen Echo's programs and facilities are operated by Montgomery County, Maryland and the Partnership. No federal funds are used to pay for programs or staffing, so it is unclear why the Park must be closed. Ms. Boerner's letter describes the significant damages that will be incurred if the closure continues into this weekend.

It is important to note that Fort Mason Center in San Francisco, after which the Partnership and its relationship to Glen Echo Park were modeled, remains open and operating during the shutdown.

I would appreciate your reviewing the attached letter and giving serious consideration to the Park's request for an exemption from closure. Please direct all correspondence to me at the following address:

51 Monroe Street, Suite 507
Rockville, MD 20850
FAX: (301) 424-5992

If you need additional information, please contact Lindsay Camacho in my Rockville office at (301) 424-3501 or by email at lindsay.camacho@mail.house.gov.

Thank you for your assistance with this time-sensitive matter.

Sincerely,

Chris Van Hollen
Member of Congress

THIS STATIONERY PRINTED ON PAPER MADE OF RECYCLED FIBERS

Camacho, Lindsay

From: kboerner@glenechopark.org [mailto:kboerner@glenechopark.org]
Sent: Wednesday, October 02, 2013 4:05 PM
To: Camacho, Lindsay; Kleinman, Joan
Cc: Morningstar, Sara; Dise, David E.; Allan Stevens; Michael Bobbitt; Michael Burack
Subject: GLEN ECHO PARK AND GOVERNMENT SHUTDOWN
Importance: High

Dear Lindsay & Joan:

Please convey to Congressman Van Hollen that we are very dismayed with the closure of Glen Echo Park – especially in light of how we compare to the entities listed below.

Glen Echo Park's programs and facilities are operated by Montgomery County and by the Glen Echo Park Partnership – no federal funds are used to pay for our programs or staffing. We would like to continue NOT using federal money to operate the programs and continue to deliver services to our constituents.

We highly value the National Park Service staff who work here and their contributions to the Park, but also want to stipulate that our programs operate independent of the NPS involvement, although we are on federal property.

The closure threatens the existence of our presenting groups and artists, threatens the nonprofit that runs the Park and denies programming to thousands of people. It is a self-imposed closure by the National Park Service – one which the NPS could opt not to enforce given the private nature of most of the programming here. I cite the following examples:

Fort Mason (which we were modeled after) is open for business in San Francisco
Ford's Theater is open
Kennedy Center is open
Smithsonian is allowing non-federally funded staff to come in (trust fund salaried)

Given that the rationale for their remaining open is that they do not use federal funds to operate, we feel that same rationale should be applied to Glen Echo Park.

We will lose tens of thousands of dollars this weekend:

Adventure Theater-MTC Performances $4000 per performance X 5 = $20,000
Puppet Co. Performances $3000 per performance X 4 = $12,000
Wedding Rental $5,000
Dance Events in ballroom and Bumper Car Pavilion $22,000 in revenues
Arts Classes – $8,000 in lost revenues over the weekend

Total revenue to be lost over the two day weekend: $67,000

The impact on our small organizations will continue to climb as we get into multiples days or weeks of closure. Adventure Theater-MTC has $7,000 in school field trips planning for next week as an example.

WE URGE CONGRESSMAN VAN HOLLEN TO SEEK AN EXEMPTION FOR GLEN ECHO PARK FROM THE NATIONAL PARKS CLOSURE – we are essentially County and nonprofit operated and do not require federal funds to continue our operations.

I am including my colleagues on this email who operate programs at the Park, our Board President and representatives of Montgomery County.

Glen Echo Park is different from other parks and has a very delicate financial ecosystem – we ask that you take this into consideration and that the NPS be asked to acknowledge that the bulk of operations are paid for with non federal funds.

Thank you.

Regards,

Katey Boerner
Executive Director
Glen Echo Park Partnership for Arts & Culture, Inc.
7300 MacArthur Blvd.
Glen Echo, MD 20812
Tel. 301-634-2225
Fax. 301-634-2260
www.glenechopark.org
kboerner@glenechopark.org

From: Sheaffer, Bruce <bruce_sheaffer@nps.gov>
Sent: Thursday, October 03, 2013 3:49 PM
To: Foster, Maureen
Cc: Sue Waldron; Michael Litterst; Peggy O'Dell; Edward Boling
Subject: Re: Any update on Glen Echo?

this is fine

On Thu, Oct 3, 2013 at 3:41 PM, Foster, Maureen <maureen_foster@nps.gov> wrote:
Are we okay with this language? I have attached the incoming.

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

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so that all may experience our heritage.

---------- Forwarded message ----------
From: **Mendelson, Lisa** <lisa_mendelson-ielmini@nps.gov>
Date: Thu, Oct 3, 2013 at 2:59 PM
Subject: Re: Any update on Glen Echo?
To: "Foster, Maureen" <maureen_foster@nps.gov>

Sorry, literally in mtgs every moment. Pls take a look -- I've highlighted text that differs from your SD letter: Now I'm searching for letterhead.....

DRAFT 10.3.13

Honorable Chris Van Hollen

8th District, Maryland

51 Monroe Street, Suite 507

Rockville, MD 20850

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We continue to hope for a speedy resolution to the lapse in federal appropriation so that we may reopen Glen Echo Park and America's 400 other national parks for the enjoyment of millions of visitors.

_____

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

On Thu, Oct 3, 2013 at 2:13 PM, Foster, Maureen <maureen_foster@nps.gov> wrote:
Congressional office is calling me back.

_____

Maureen D. Foster
Chief of Staff
National Park Service
1849 C Street, NW, Room 3114

Washington, DC 20240
202.208.5970 (direct)
202.208.3818 (main)

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

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

From: Benge, Shawn <shawn_benge@nps.gov>
Sent: Thursday, October 03, 2013 8:52 PM
To: Margaret O'Dell
Subject: Re: Award

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

From: Derrick Crandall <dcrandall@funoutdoors.com>
Sent: Friday, October 04, 2013 9:01 AM
To: Jon Jarvis (Jon_Jarvis@nps.gov)
Cc: Peggy O'Dell (Peggy_O'Dell@nps.gov); Lena McDowall (Lena_McDowall@nps.gov); Sue Waldron (Sue_Waldron@nps.gov)
Subject: Letter on Reopening of Parks to the President
Attachments: Presidential Letter.pdf

Importance: High

Key recreation, tourism and conservation organizations wrote to the President yesterday outlining the major difficulties arising from the closure of national parks. Their letter is attached.

Assessing blame for the shutdown is less important to us than discussing ways to mitigate the impact on park visitors and the millions of Americans and international visitors who are being robbed of park experiences. We believe that there are logical, economically viable actions that can be taken which protect park resources and allow the agency to achieve its mission to provide visitor experiences – a mission which is not changed by the shutdown. We would welcome an opportunity to discuss these actions involving concessioners, gateway communities and non-profit park partners.

We also urge you to communicate your personal and organizational empathy for the impact on Americans who had planned park visits, on concessioners and their employees who have now had their plans dashed and finances seriously altered, and on the many non-profit organizations dedicated to aiding NPS who have found their mission and actions interrupted.

Thanks for all you are doing during this stressful time.

Derrick

Derrick A. Crandall, President
American Recreation Coalition
1200 G Street, N.W. Suite 650
Washington, D.C. 20005
202-682-9530, F 202-682-9529
www.funoutdoors.com

REOPEN PARKS TO THE PEOPLE

October 3, 2013

The Honorable Barack Obama
President
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

We are writing to help you understand the significant consequences arising from the federal shutdown and the closure of America's national parks. While we understand the intensity of feelings which prompted an inability of the Congress and the Administration to agree to even short-term funding of federal agencies including the National Park Service, we hope that you understand the real impact on millions of lives in addition to furloughed federal employees.

The National Park Service has announced that some 21,000 of its employees have been furloughed. But the impacts extend well beyond that. There are nearly 300 million visits to national parks each year. Park visitors depend upon some 25,000 concessioner employees and thousands of not-for-profit organization employees for lodging, food, supplies and souvenirs, transportation, education and interpretation. Some 20,000 youth work on federal lands each year through conservation corps, restoring habitat and maintaining trails and more. Gateway communities also serve these visitors - in many cases, concessioner operations are the largest source of tax revenues in these communities. All of this activity - and its economic and social benefits - has been halted by the government shutdown.

An estimated 700,000+ individual park experiences will now be denied every day. And it's not only the American people who will be turned away. Some 10% of all park visits are by international guests - whose spending helps the nation have a favorable balance of trade in tourism. Recent estimates are that one US job is created for every 35 inbound travelers to the USA. And national parks figure importantly in the National Strategy for Travel and Tourism, which has set a national goal of strengthening the U.S. economy by increasing the number of international visitors to 100 million by 2021. Reaching this goal will not be helped by disgruntled visitors here in the US now, denied access to parks, nor by the uncertainty being caused by the widespread publicity about US national parks being gated and closed.

This shutdown unfairly harms the American people and the businesses helping our economy to grow. It comes on the heels of significant budget reductions that have already limited opportunities for visitors, harmed the tourist economy, and strained park

resources. The shutdown needs to be ended swiftly and a lesson learned. Please find a way to resolve issues on budgets and other national issues without imposing unjustified, unnecessary pain on the rest of the nation. We ask your help in making certain that the pain resulting from closures of and budget cuts for our parks and other public lands ends quickly.

Sincerely,

America Outdoors Association
American Hiking Society
American Recreation Coalition
American Society of Travel Agents
Association of Partners for Public Lands
Destination Marketing Association International
National Park Hospitality Association
National Parks Conservation Association
National Tour Association
Southeast Tourism Society
The Corps Network
US Travel Association

cc: Hon. Sylvia Mathews Burwell, Director, Office of Management and Budget
Hon. Sally Jewell, Secretary, U.S. Department of the Interior
Hon. Jon Jarvis, Director, National Park Service

From: Suzanne Waldron <sue_waldron@nps.gov>
Sent: Friday, October 04, 2013 1:27 PM
To: Lena McDowall; Peggy O'Dell; Jon Jarvis; Maureen Foster; Mike Litterst
Subject: Fwd: Pisgah Inn

Sent from my iPhone

Begin forwarded message:

> **From:** "Reynolds, William" <william_f_reynolds@nps.gov>
> **Date:** October 4, 2013, 1:26:27 PM EDT
> **To:** "Waldron, Suzanne" <sue_waldron@nps.gov>
> **Subject: Re: Pisgah Inn**
>
> Looks as though they will be needed now. The concessioner is planning to reopen. Rangers en route to enforce closure. Will keep you posted.
> Bill
>
> On Fri, Oct 4, 2013 at 9:25 AM, Reynolds, William <william_f_reynolds@nps.gov> wrote:
> Thanks. Looks as though they are not needed now, but I will keep the concession language for future reference.
> Bill
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> On Fri, Oct 4, 2013 at 8:23 AM, Waldron, Suzanne <sue_waldron@nps.gov> wrote:
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> From: **McDowall, Lena** <lena_mcdowall@nps.gov>
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> I went ahead and edited the bullet about Pisgah Inn being a private business just in case you end up needing it.
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> ---------- Forwarded message ----------
> From: **William Reynolds** <william_f_reynolds@nps.gov>
> Date: Thu, Oct 3, 2013 at 2:18 PM

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

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

From: Waldron, Suzanne [mailto:sue_waldron@nps.gov]
Sent: Thursday, October 03, 2013 09:55 AM
To: Karen Cucurullo <karen_cucurullo@nps.gov>; William Reynolds <william_f_reynolds@nps.gov>; Shawn Benge <shawn_benge@nps.gov>
Cc: Maureen Foster <maureen_foster@nps.gov>; Lena McDowall <Lena_McDowall@nps.gov>; Mike Litterst <Mike_Litterst@nps.gov>
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> **From:** <Colleen.Jenkins@thomsonreuters.com>
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> **To:** <Karen_Cucurullo@nps.gov>
> **Subject: Pisgah Inn**
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> Hi Karen,
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> 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.
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> Thanks!
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> Colleen
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> **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
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Cell: (202) 641-1814
Email: Lena_McDowall@nps.gov

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

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

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Friday, October 04, 2013 1:29 PM
To: Lena McDowall; Peggy O'Dell; Jon Jarvis; Maureen Foster; Mike Litterst; Cam Sholly
Subject: Re: Pisgah Inn

adding cam

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Sent from my iPhone

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FYI, Rep. Meadows' office is reaching out to the park. Will let you know status of that contact ASAP.
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Sent: Thursday, October 03, 2013 09:55 AM
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> Correspondent, U.S. General News
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> Thomson Reuters

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

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1. 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."

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

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

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Email: Lena_McDowall@nps.gov

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/

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

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/

From: Sholly, Cam <cam_sholly@nps.gov>
Sent: Saturday, October 05, 2013 8:07 AM
To: Margaret O'Dell
Subject: Re: BLRI

Dean says that the tropical storm is weakening significantly, but that it could still bring it quite a bit of rain. He's monitoring and in contact already with SER and DOI emergency management this morning.

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

On Sat, Oct 5, 2013 at 7:37 AM, Margaret O'Dell <peggy_o'dell@nps.gov> wrote:
Thanks Shawn. Let us know if you need to talk. Plan to use RHE call in below if needed

Non-responsive

Sent from my iPhone

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

From: Foster, Maureen <maureen_foster@nps.gov>
Sent: Saturday, October 05, 2013 2:29 PM
To: Edward Keable
Cc: Peggy O'Dell; Cam Sholly
Subject: Fort Raleigh

Issue #7

7) Fort Raleigh -- **New issue** -- The play "Lost Colony" shows every weekend at the park; there is a reverter clause in the deed that if the NPS prevents the play from going forward, the land reverts back to the state(?) or other entity. The play will go on tonight; the next show is next weekend so we have more time to address this one.

Thanks.

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

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

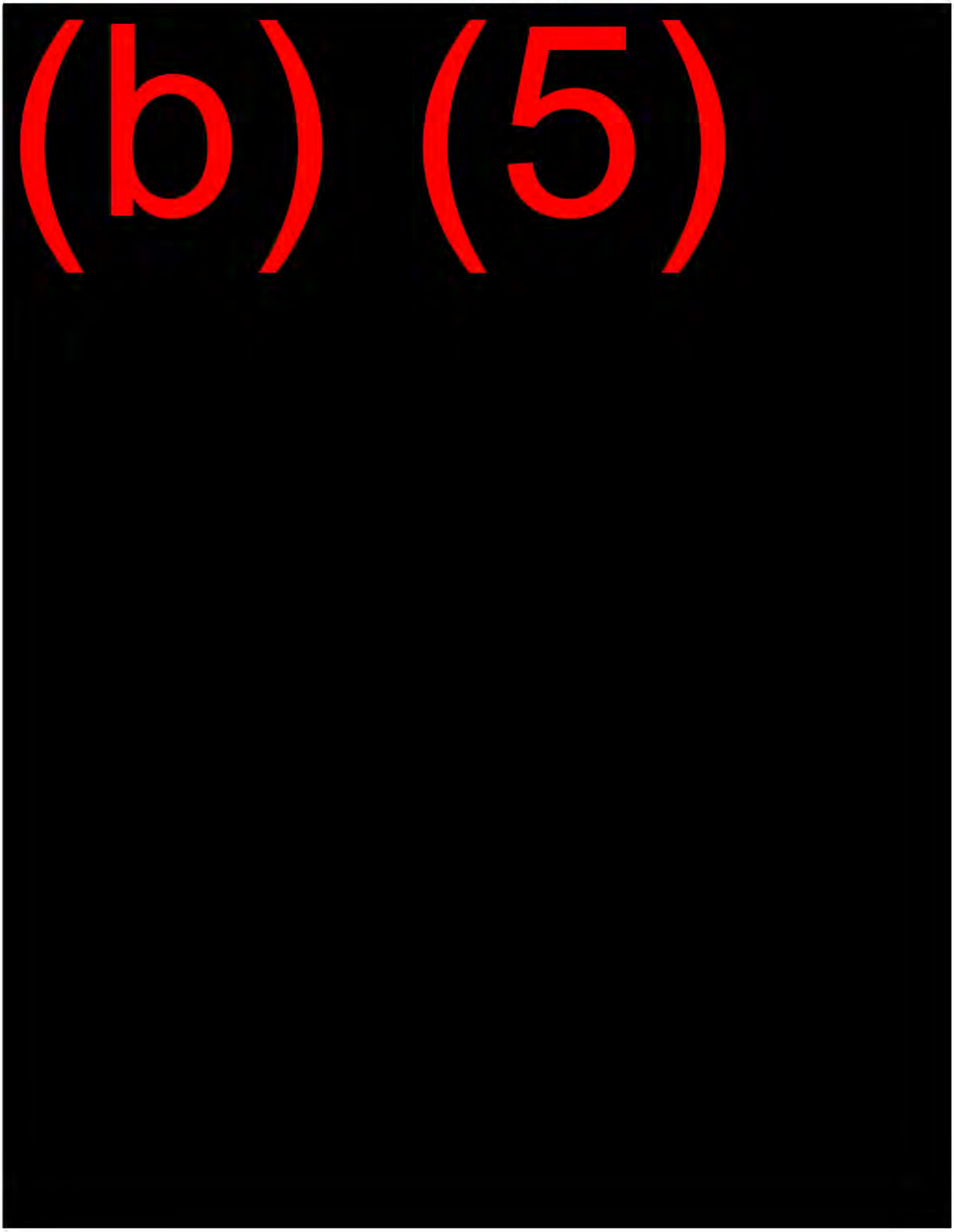
From: Sholly, Cam <cam_sholly@nps.gov>
Sent: Saturday, October 05, 2013 3:11 PM
To: Chris Pergiel; Joel Hard; Patricia Neubacher; Scott Wanek; Colin Campbell; Billy Shott; Patricia Trap; Gregory Monahan; Shawn Benge; David Horne; Lisa Mendelson-Ielmini; Philip Selleck; Michael Caldwell; Stephen Clark
Cc: Margaret O'Dell; Maureen Foster; Lena McDowall; Raymond Vela; Bruce Sheaffer; Suzanne Waldron
Subject: Consolidated List (not for forwarding beyond this group)
Attachments: NPS Shutdown Issues List.pdf

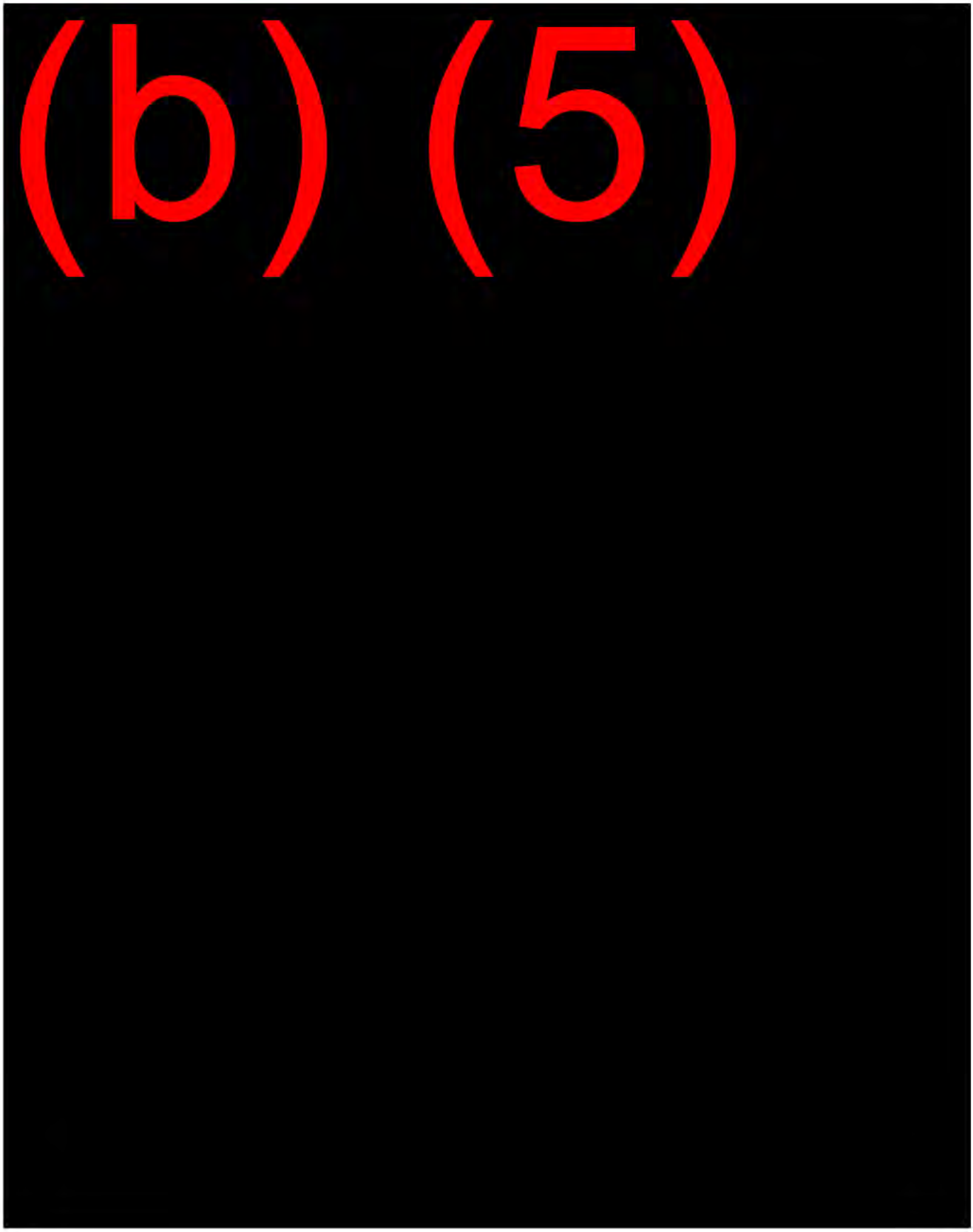
All,

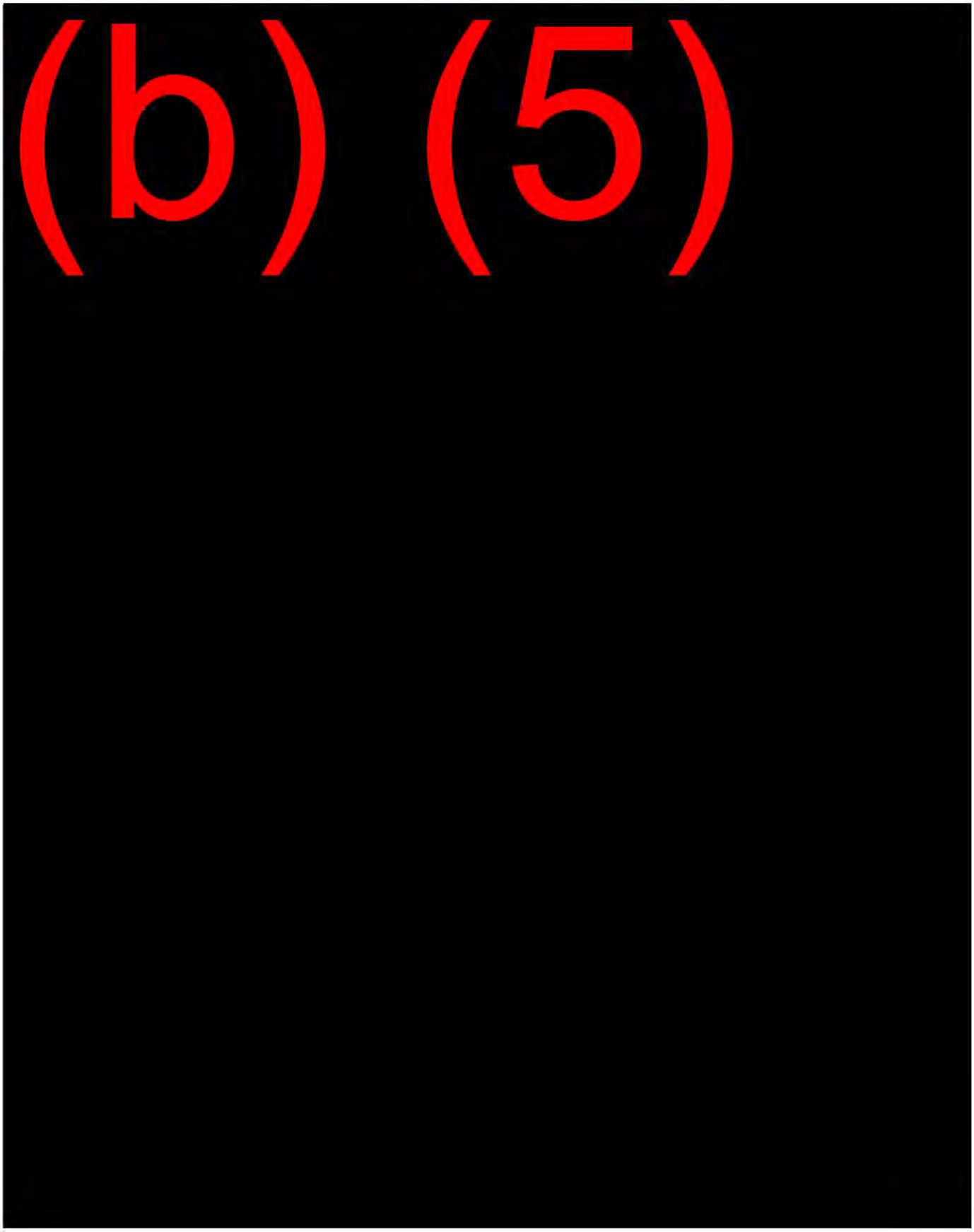
Attached is a very light and cursory compilation of agency-wide issues during the shutdown that we've captured over the past days during our conversations. This is meant to help us all track each other's pressing issues, many of which are similar from region to region. Please keep this within this group only right now.

I encourage you to update us verbally each day on these issues and any others that surface so we can track nationally what is happening, how we're responding, solicitor assignments, etc.

Thanks. Cam


(b) (5)


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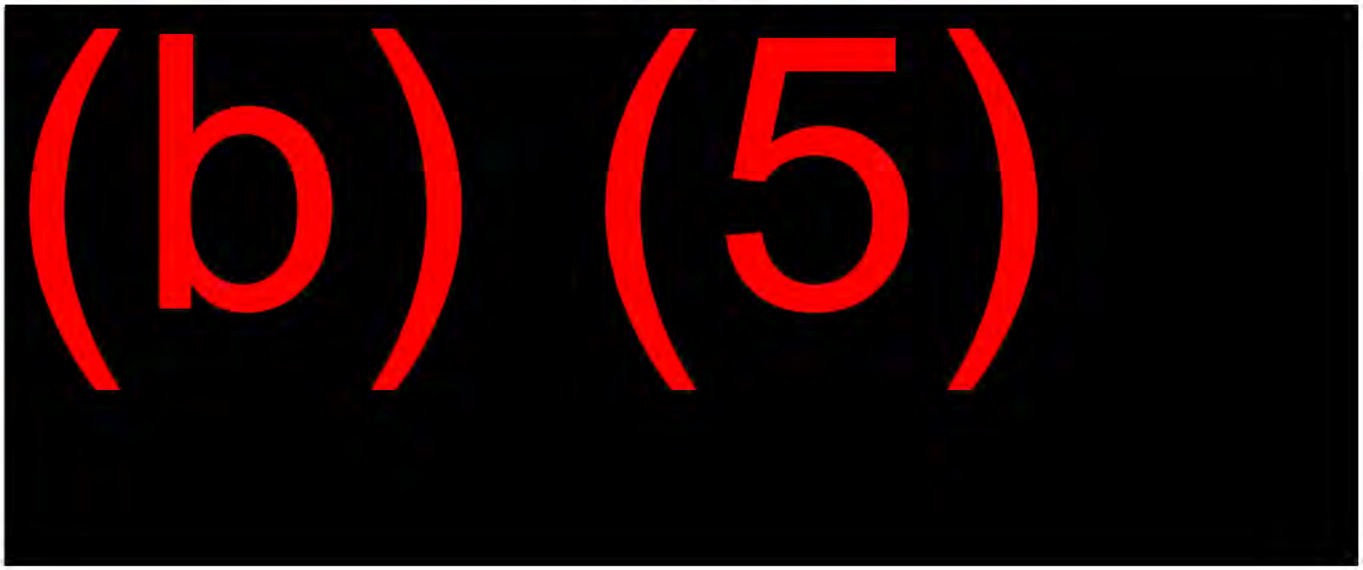
(b) (5)

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Saturday, October 05, 2013 3:45 PM
To: William Reynolds
Cc: Holda, Cyndy; Mike Litterst; Darrell Echols; Stan Austin; Shawn Benge; David Horne; Peggy O'Dell
Subject: Re: DRAFT Talking Points - Avon Pier
Attachments: CAHA - Avon Pier tlking pts - 100513_sue.docx

here you go

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>
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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.
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> Thanks,
> Bill
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> --
> William F. Reynolds
> Assistant Regional Director
> National Park Service Southeast Region
> 404-507-5612
>
> <CAHA - Avon Pier tlking pts - 100513.docx>

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

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

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

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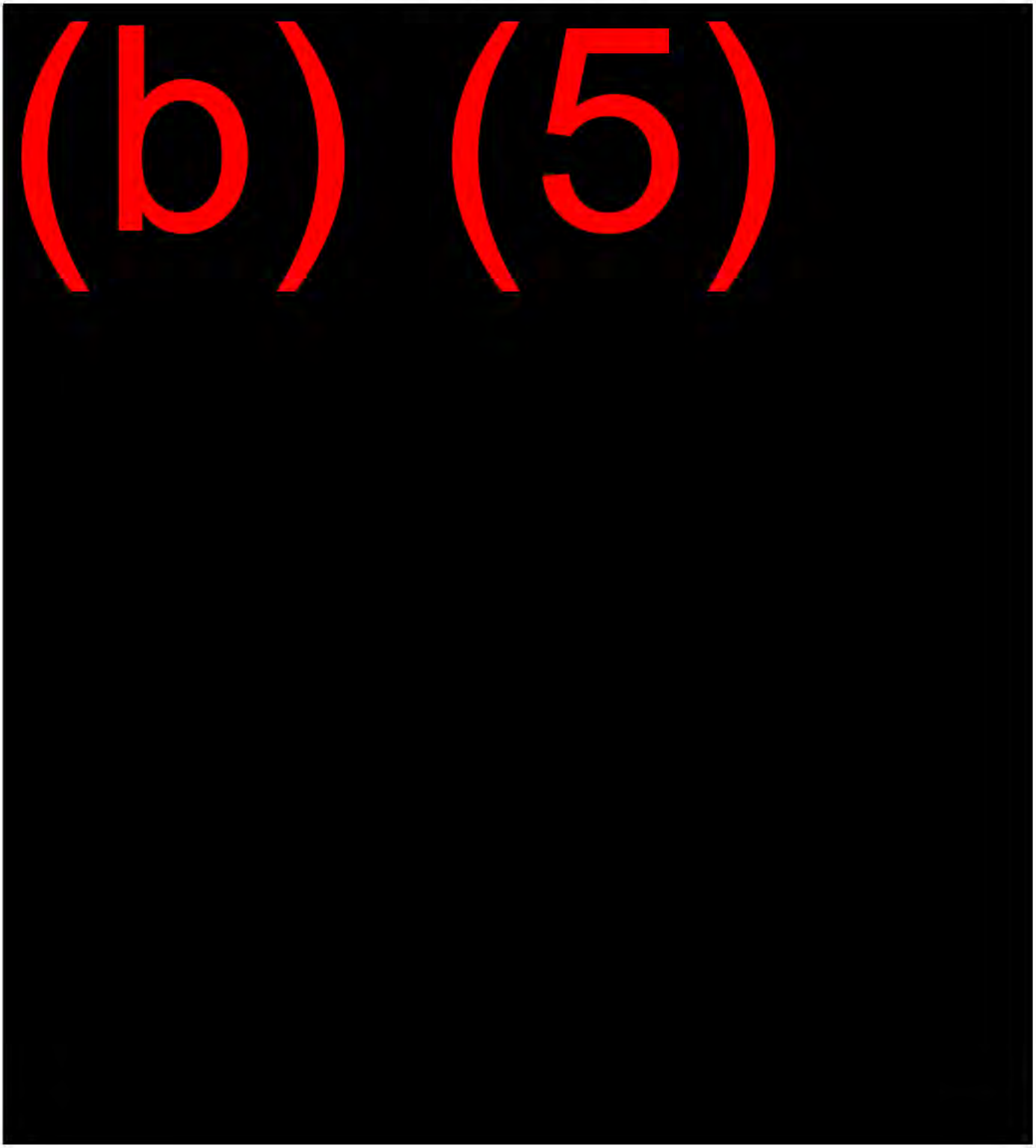
Cape Hatteras National Seashore – Avon Pier
Talking Points
Saturday, October 5, 2013



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

Okay, I think this gets it - Revised Final Draft - incorporating Cyndy's and Sue's revisions.
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Assistant Regional Director
National Park Service Southeast Region
404-507-5612

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

(b) (5)

From: Holda, Cyndy <cyndy_holda@nps.gov>
Sent: Saturday, October 05, 2013 4:10 PM
To: Reynolds, William
Cc: Stan Austin; Suzanne Waldron; Paul_Stevens; Margaret O'Dell; Shawn Benge; Darrell Echols
Subject: Re: DRAFT Talking Points - Avon Pier

Thank you much Ladies and Gents!
We'll see what tomorrow brings.....

Cyndy M. Holda
Public Affairs Specialist
Outer Banks Group

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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:
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Cyndy M. Holda
Public Affairs Specialist
Outer Banks Group

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From:	Benge, Shawn <shawn_benge@nps.gov>
Sent:	Sunday, October 06, 2013 11:42 AM
To:	Barry Roth
Cc:	Margaret O'Dell; Cam Sholly; Lena McDowall
Subject:	Request for Legal Assistance (Fort Raleigh NHS)
Attachments:	FORA--Ltr From Association.pdf; FORA--Cooperaitve Agreement.pdf; FORA--Legislation & Deed Documents.pdf

Unit: Fort Raleigh National Historic Site, NC

Issue & Background:

The partnership (currently a cooperative agreement) between the National Park Service and Roanoke Island Historical Association was formalized at the time Fort Raleigh National Historic Site was established as a unit of the NPS. The partnership allows the Association to produce and present the outdoor drama titled *The Lost Colony*.

The relationship the Association has with Fort Raleigh pre-dates the establishment of the Park. The Association was one of the primary architects that resulted in the establishment of the Park. The Association assured certain deed restrictions were included in the transfer of lands to the NPS that indicated if the Association were prevented the opportunity to present the outdoor drama, the lands would revert.

The cooperative agreement also allows the Association to present a variety of other mission related dramas. On Friday and Saturday evenings during the month of October, the outdoor drama *PsycoPath* is currently scheduled. Advanced tickets may be purchased on-line. Bill Coleman, CEO of the Association presented the Park with a letter dated October 4, 2013, indicating the Association planned to continue the outdoor drama as scheduled and reminded park management of the reversion clause in the 1964 deed. The outdoor drama was allowed to proceed on Saturday, October 6, 2013. All facilities utilized by the Association in the production of outdoor dramas are NPS owned.

Request:

The SERO is requesting legal review to determine if current closure determination is applicable to the Association's activities in the production of outdoor dramas at Fort Raleigh based on the cooperative agreement and deed restrictions. We would like to be in a position to provide guidance to the Association on Tuesday, October 8.

Materials attached:

- Letter to NPS from the Association Dated Oct 4, 2013
- Current Cooperative Agreement
- Deed Documents

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

America's Premiere Outdoor Symphonic Drama

October 4, 2013

Barclay C. Trimble
Superintendent
Outer Banks Group
1401 National Park Drive
Manteo, NC 27954

Dear Superintendent Trimble,

The Roanoke Island Historical Association (RIHA), through its Executive Committee, has decided to open its scheduled fundraiser, PsychoPath to help finance our production of *The Lost Colony*. PsychoPath will be held beginning Saturday, October 5, 2013, and continuing every Friday and Saturday night through October. The NPS previously approved RIHA's request to hold this event which is critical to the financial well-being as we complete the fiscal year of *The Lost Colony*.

We are unable to relocate or reschedule the event due to its site-specific and seasonal nature and the financial investment that has been made to date.

As you are also aware, this event has not, nor will, require any NPS support staffing or expense.

Failure to conduct the event will hinder and impede RIHA's ability to produce *The Lost Colony*. As such, NPS's actions designed to prevent RIHA from holding this event will likely trigger the reversion of a portion of the Park properties back to RIHA, as provided in the 1964 deed to the NPS and as referenced in Article 1, Section A, subsection 5 of the cooperative agreement between the NPS and RIHA dated December 18, 2009. We sincerely hope NPS will reconsider its position to prevent NPS from forfeiting the title to some of the Park property.

Given the sense of urgency, we invite your immediate response. RIHA will assume, unless we hear from you otherwise, that NPS will not take any action to prevent RIHA from holding its PsychoPath event as scheduled.

Sincerely,

Stephen B. King, Sr.
RIHA Chairman

Bill Coleman
CEO

c: Cyndy M. Holda, Public Affairs Specialist
RIHA Executive Committee
Robert B. Hobbs, Jr., RIHA Counsel
Warren Judge, Chair, Dare County Board of Commissioners

1409 National Park Drive Manteo, NC 27954 • 252-473-2127 • www.thelostcolony.org
Cell- (252) 473-7201

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
OUTER BANKS GROUP

Fort Raleigh National Historic Site Wright Brothers National Memorial

Cape Hatteras National Seashore
1401 National Park Drive
Manteo, NC 27954
252-473-2111

29 January 2010

Memorandum

To: Carl V. Curnutte, III, Executive Director, Roanoke Island Historical Association, Inc.

From: Michael B. Murray, Superintendent

Subject: Cooperative Agreement H5191100020; between The National Park Service and Roanoke Island Historical Association, Inc.; Term of Current Agreement; Ten Years; commencing 17 December 2009 ending 16 December 2019.

Enclosed please find one executed copy of the current agreement for your files.

Should you have question or concern, please contact agreement technical representative (ATR), Ellen Hand at 252-473-2111 extension 140 or contract specialist (CS), Elizabeth Coleman-Aguilar at 252-473-2111 extension 129.

Respectfully,

Elizabeth Coleman-Aguilar, CS

Enc:
Agreement H5191100020

ORDER FOR SUPPLIES OR SERVICES

IMPORTANT: Mark all packages and papers with contract and/or order numbers.

1. DATE OF ORDER: 01/12/2010
2. CONTRACT NO. *(If any)*:
3. ORDER NO.: H5191100020
4. REQUISITION/REFERENCE NO.:

5. ISSUING OFFICE *(Address correspondence to)*:
SER - National Park Service
Contracting & Property Mgt.
100 Alabama St., SW
Atlanta GA 30303

6. SHIP TO: Elizabeth Coleman-Aguilar
a. NAME OF CONSIGNEE
SER - CAHA - Cape Hatteras National Seashore
b. STREET ADDRESS
1401 National Park Drive
c. CITY: Manteo
d. STATE: NC
e. ZIP CODE: 27954

7. TO:
a. NAME OF CONTRACTOR
b. COMPANY NAME
Roanoke Island Historical Asso
c. STREET ADDRESS
1409 National Park Rd
d. CITY: **Manteo**
e. STATE: **NC**
f. ZIP CODE: **27954-9795**

f. SHIP VIA

8. TYPE OF ORDER
[X] a. PURCHASE
REFERENCE YOUR:
Please furnish the following on the terms and conditions specified on both sides of this order and on the attached sheet, if any, including delivery as indicated.
[ ] b. DELIVERY - Except for billing instructions on the reverse, this delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above-numbered contract.

9. ACCOUNTING AND APPROPRIATION DATA
2010 - - - 5191 - - 252Z - - SZD - - - - - - - - -

10. REQUISITIONING OFFICE

11. BUSINESS CLASSIFICATION *(Check appropriate box(es))*
[ ] a. SMALL [✓] b. OTHER THAN SMALL [ ] c. DISADVANTAGED [ ] d. WOMEN-OWNED

12. F.O.B. POINT: Destination
13. PLACE OF
a. INSPECTION
b. ACCEPTANCE
14. GOVERNMENT B/L NO.:
15. DELIVER TO F.O.B. POINT ON OR BEFORE *(Date)*:
16. DISCOUNT TERMS
10 days %
20 days %
30 days %
days %

17. SCHEDULE *(See reverse for Rejections)*

ITEM NO. (a)	SUPPLIES OR SERVICES (b)	QUANTITY ORDERED (c)	UNIT (d)	UNIT PRICE (e)	AMOUNT (f)	QUANTITY ACCEPTED (g)
	SEE LINE ITEM DETAIL					

SEE BILLING INSTRUCTIONS ON REVERSE

18. SHIPPING POINT:
19. GROSS SHIPPING WEIGHT:
20. INVOICE NO.:
17(h) TOT. *(Cont. pages)*:
21. MAIL INVOICE TO: Elizabeth Coleman-Aguilar
a. NAME
SER - CAHA - Cape Hatteras National Seashore
b. STREET ADDRESS *(or P.O. Box)*
1401 National Park Drive
c. CITY: Manteo
d. STATE: NC
e. ZIP CODE: 27954
$0.00
17(i) GRAND TOTAL

22. UNITED STATES OF AMERICA BY *(Signature)*: Robert Solomon
23. NAME *(Typed)*
Robert Solomon
TITLE: CONTRACTING/ORDERING OFFICER

If desired, this order (or a copy thereof) may be used by the Contractor as the Contractor's invoice, instead of a separate invoice, provided the following statement, (signed and dated) is on (or attached to) the order: "Payment is requested in the amount of $_____. No other invoice will be submitted." However, if the Contractor wishes to submit an invoice, the following information must be provided; contract number (if any), order number, item number(s), description of supplies or service, sizes, quantities, unit prices, and extended totals. Prepaid shipping costs will be indicated as a separate item on the invoice. Where shipping costs exceed $10 (except for parcel post), the billing must be supported by a bill of lading or receipt. When several orders are invoiced to an ordering activity during the same billing period, consolidated periodic billings are encouraged.

RECEIVING REPORT

Quantity in the "Quantity Accepted" column on the face of this order has been: ☐ inspected, ☐ accepted, ☐ received by me and conforms to contract. Items listed below have been rejected for the reasons indicated.

SHIPMENT NUMBER	PARTIAL / FINAL	DATE RECEIVED	SIGNATURE OF AUTHORIZED U.S. GOV'T REP.	DATE

TOTAL CONTAINERS	GROSS WEIGHT	RECEIVED AT	TITLE

REPORT OF REJECTIONS

ITEM NO.	SUPPLIES OR SERVICES	UNIT	QUANTITY REJECTED	REASON FOR REJECTION

OPTIONAL FORM 347 (REV. 6/95) BACK

IMPORTANT: Mark all packages and papers with contract and/or order numbers.

DATE OF ORDER	CONTRACT NO.	ORDER NO.
01/12/2010		H5191100020

ITEM NO. (a)	SUPPLIES OR SERVICES (b)	QUANTITY ORDERED (c)	UNIT (d)	UNIT PRICE (e)	AMOUNT (f)	QUANTITY ACCEPTED (g)
0001	Cooperative Agreement Between the National Park Service, Outer Banks Group Fort Raleigh National Historic Site and the Roanoke Island Historical Association The NPS and the Association desire to continue to cooperate in a program of interpretation and visitor services for the Park, whcih includes presentation of the play entitled The Last Colony. *Start Date* 12/17/2009 *End Date* 12/16/2019	0.00		0.000	0.00	

TOTAL CARRIED FORWARD TO 1ST PAGE (ITEM 17i) ⇒ $0.00

2010 - - - 5191 - - 252Z - - SZD - - - - - - - - -

$0.00

Total Funding: $0.00

Agreement No. H5191100020

Cooperative Agreement

between

National Park Service, Outer Banks Group
Fort Raleigh National Historic Site

and

Roanoke Island Historical Association, Inc.

This Cooperative Agreement (Agreement) is entered into by and between the National Park Service (NPS), a bureau of the U. S. Department of the Interior (Interior), acting by and through the Superintendent of the Outer Banks Group including the Fort Raleigh National Historic Site (Park), and the Roanoke Island Historical Association, Inc. (Association), a non-profit educational and charitable corporation, (collectively, the parties).

ARTICLE I—BACKGROUND AND OBJECTIVES

A. Background:

1. The NPS and the Association have a long-standing relationship that pre-dates the establishment of the Park. On January 10, 1934, the Roanoke Colony Memorial Association (RCMA), a local organization, donated 16.45 acres of land to the State of North Carolina (State) and the land became known as "Fort Raleigh State Park" under the management of the North Carolina Historical Commission (Historical Commission). The Roanoke Island Historical Association (the Association) was authorized by state legislation and incorporated in January 1932. The Association planned for the 350th anniversary observance in 1937 of the founding of the lost colony (1587), which would include the presentation at the site of an outdoor drama titled *The Lost Colony* by Paul Green.

2. Using federal Works Progress Administration (WPA) funds, the Association contracted for the design and construction of an outdoor theatre, now known as the Waterside Theatre, on the State's property at Fort Raleigh. *The Lost Colony* was first performed at the theatre on July 4, 1937 and ran to Labor Day. On August 18, 1937, the 350th anniversary of Virginia Dare's birth, President Franklin D. Roosevelt attended the outdoor drama. With a successful first season, RIHA assumed responsibility for producing *The Lost Colony* in future years and for operating the museum at Fort Raleigh State Park with Historical Commission cooperation.

3. As the Historical Commission and the Association were developing Fort Raleigh, they raised the idea of turning the site over to the NPS and contacted the NPS in May 1936 to offer the site as a national park. The play had become an annual event and continued to be produced by the Association. Due to concerns that the NPS would interfere with the production of *The Lost Colony*, North Carolina Governor Clyde Hoey was unwilling to deed the property to the federal government without the Association's approval. Prior to the establishment of the site as a unit of the National Park System, the NPS and the Association signed a cooperative agreement on March 29, 1939, allowing the Association to continue producing *The Lost Colony* at the site. With this assurance that

the Association could continue to produce the play if the NPS took ownership of the site, the State deeded the property to the United States on July 14, 1939.

4. The Park was established by Secretarial Order (April 5, 1941, 9 FR 2441) to preserve a nationally important historic site for the inspiration and benefit of the people of the United States. A collateral purpose was to honor the agreement with the Association by continuing to provide a site for the annual presentation of *The Lost Colony*. The Park encompassed the Waterside Theater and other facilities associated with the production of the play. Congress further defined the purpose of the Park in the Act of August 17, 1961, 75 Stat. 384, which stated that the purpose of the site was to preserve lands historically associated with the attempt to establish an English colony on Roanoke Island. On November 16, 1990, President Bush signed P.L. 101-603, an act authorizing the Secretary of the Interior to acquire approximately 335 acres on the north end of Roanoke Island as an addition to the Park. The 1990 act also redefined the purpose of the site to include preservation and interpretation of (1) the first English colony in the New World and (2) the history of Native Americans, European Americans, and African Americans who lived on Roanoke Island.

5. After the Park was established in 1941, the Association subsequently acquired and transferred additional land to the NPS for inclusion in the Park. A 1964 deed, for a parcel of land that remains undeveloped, contains a reservation of right and privilege for the Association to produce *The Lost Colony* drama at its present site or such other site as may be provided within the Park; free entry into the Park; and free use and occupancy of all parking and other areas provided by the NPS in connection with the Association's activities relating to the production of *The Lost Colony*. The deed further states that if any breach of the foregoing conditions occurs or upon the adoption of any rule or regulation by the NPS or any law enacted by act of Congress or executive order whereby the Association is prohibited or in any way hindered, impeded, obstructed or curtailed in its production of *The Lost Colony* or in carrying out any of the activities essential to its production at the Park, the title of the property covered by the deed shall immediately revert to the Association.

6. The purposes of the Association, as identified in its constitution and bylaws, are to celebrate and depict by exhibitions, pageants, reproductions, and by broadcasting and publishing historic narratives and records, the transplanting of English-speaking civilization on Roanoke Island, Dare County, North Carolina by Sir Walter Raleigh and his colonists in the years 1584 to 1587, and of the several efforts then made to establish the first English-speaking colony in the New World; to establish and maintain one or more areas or sites for the permanent location of buildings and other structures with convenient facilities for preserving an historical background and representing the settlement and habits of life of the early colonists; to establish and maintain a museum of Indian and early Colonial antiquities; and to effect any other activities or plans to be designed to further the preservations of this chapter of North Carolina history.

7. The play, first presented in 1937, has become the nation's longest running outdoor symphonic drama and is performed annually at the Waterside Theater. The Association and *The Lost Colony* production have enjoyed tremendous, longstanding support of the local community and the patronage of the State of North Carolina. Over many decades of producing the play, the Association has evolved from a small local seasonal operation to a dynamic non-profit organization and a nationally recognized leader in the field of outdoor drama. Over the years hundreds, if not thousands, of aspiring actors in the formative stages of their careers have received valuable training and

experience as a member of the cast or production crew of *The Lost Colony*. An equally high number of community members collectively have contributed tens, if not hundreds, of thousands of hours as volunteers working in support of the production.

8. Today all facilities utilized by the Association in the Park are owned by the NPS. In addition to continuing to produce *The Lost* Colony, the Association produces and presents a variety of theatrical, musical, interpretive, and educational programs on-site in order to inspire, educate, and entertain the public; to enhance public awareness and support of the Association and *The Lost Colony*; and to generate the revenues necessary to support their primary production, *The Lost Colony*. This diverse program portfolio has enabled the Association to become increasingly financially self-sufficient and is necessary to maintain the organization's capacity to produce *The Lost Colony* in keeping with the high production values that have become the play's hallmark.

B. Objectives:

The NPS and the Association desire to continue to cooperate in a program of interpretation and visitor services for the Park, which includes presentation of the play entitled *The Lost Colony*. The parties had previously entered into a twenty-year agreement dated January 1, 1965, which expired December 31, 1984. The parties subsequently entered into another twenty year agreement dated January 1, 1985, which expired December 31, 2004. The 1985 agreement was extended successively for three one-year periods and one two-year period expiring on December 31, 2009.

ARTICLE II—AUTHORITY

A. NPS Programs: 16 U.S.C. §1g authorizes the NPS to enter into cooperative agreements that involve the transfer of NPS appropriated funds to non-profit organizations for the public purpose of carrying out NPS programs.

B. Historic Sites Act: 16 U.S.C. § 462(e) authorizes the NPS to enter into cooperative agreements with entities like the Association "to protect, preserve, maintain, or operate any historic . . . building, site, object or property used in connection therewith for public use. . .."

C. NPS Organic Act: The Act of August 25, 1916, 39 Stat. 535, and the order of the Secretary of the Interior, dated April 5, 1941, establishing the Fort Raleigh National Historic Site on Roanoke Island, North Carolina, authorize the NPS to engage in the activities described in this Agreement.

ARTICLE III – STATEMENT OF WORK / SCOPE OF ACTIVITIES

A. The NPS agrees:

1. To allow the Association to occupy and use the Park buildings, facilities, and land (collectively, the "Property") identified in the "Diagram of Property Designated for Use by the Association," Attachment "A" hereto, for the purpose of producing *The Lost* Colony and conducting activities related to the play.

2. To allow the Association to occupy and use the Property to conduct special programs and activities to be agreed upon by the NPS and the Association annually, as described in paragraph III. C. 1, below.

3. To authorize the Association access to the Property through the Park for utilities and vehicular traffic.

4. To police and protect the Property to the same degree and extent as other Federal property within the bounds of Fort Raleigh National Historic Site.

5. To provide for the rehabilitation and cyclic maintenance of the Property.

6. To allow a representative of the Association to actively participate in any project planning conducted by the NPS that is likely to materially affect the Property or the Association's use of the Property.

7. Based on NPS policies and requirements, to consult with the Association on best management practices for environmental matters including without limitation waste water, vegetation and pest management on the Property.

8. To provide two (2) housing units, the Prince and Beehive houses, for use by the Association, and to include the units in the NPS Quarters Management Program. NPS management of the housing units will include cyclic and non-cyclic repairs or improvements.

9. To provide for the disposal of solid (non-hazardous) waste generated by the Association's activities on the Property.

10. To assist with the Association's safety program to the extent practicable, including performing safety inspections, accident investigations and addressing audit findings.

11. Upon request, to provide the Association such information as in the reasonable judgment of the Association may be relevant to the NPS's compliance with the Agreement, subject to existing federal information disclosure requirements.

B. The Association agrees:

1. To produce *The Lost Colony* and conduct activities related to the play; to conduct in accordance with paragraph III. C. 1, below, other special programs and activities to be agreed upon annually by the parties; and to operate every service incident to all such activities with appropriate personnel, goods, equipment, and commodities.

2. To be responsible for routine operation and maintenance of the Property and to maintain the Property for the purposes set forth in this Agreement at the Association's sole expense in a safe, sanitary and presentable condition as set forth in the plan (Operations Plan), Attachment "B" hereto.

3. To assure that, in providing authorized services, programs, and productions, the Association, its invitees, employees, contractors, agents, guests, and all persons under the Association's control, will keep, observe, enforce, and obey the terms and conditions of this Agreement and as set forth in the Operations Plan, together with the rules, policies, directives, orders, and regulations of the NPS when applicable.

4. To conduct all landscaping activities on the Property in a manner consistent with NPS standards and with the environs of the Park. Such activities include without limitation vegetation removal and the use of chemicals for pest and vegetation management.

5. Before beginning any significant ground disturbing activities, facility changes or repairs, or any project or activity that would result in physical changes to the Property, to:

a. Obtain prior written approval from the NPS based upon, but not limited to, the timely provision of plans to the Superintendent to ensure that the proposed action is compatible with NPS policy and in accordance with applicable building codes and environmental requirements. The Association will provide such plans beginning at the preliminary draft concept stages so that issues can be addressed at the earliest stages of consideration.

b. Allow an NPS representative to actively participate throughout the project planning stages.

c. Obtain all other necessary local, state, or federal permits and approvals.

d. Conduct, in consultation with the NPS, all required compliance including without limitation that required by the National Environmental Policy Act (NEPA), 42 U.S.C. § 4321, *et seq.*; the Endangered Species Act, 16 U.S.C. §1531 *et seq.*; and the National Historic Preservation Act, 16 U.S.C. § 470 *et seq*. The Association will ensure that all necessary compliance requirements are completed and met before such work begins. It is expected that projects requiring a categorical exclusion (cat-x) under NEPA will require a minimum of two weeks lead time to complete compliance; and projects requiring an environmental assessment (EA) under NEPA will require a minimum of six months lead time to complete compliance.

e. Should any NPS resource(s) of concern including without limitation archaeological or cultural resources, be discovered by anyone associated with or under the control of the Association during the performance of an authorized activity, that activity will be suspended immediately and the Association will notify the NPS Chief of Resources Management immediately.

6. To allow on-site inspections of the Property by NPS representatives.

7. To take all reasonable precautions to prevent forest, brush, grass, and structural fires on the Property and cooperate to the extent practicable with the NPS in carrying out the NPS's fire prevention and protection responsibilities under 42 U.S.C. §§ 1856-1856d.

8. To notify the Superintendent or his/her designee immediately in the event of an accident or injury involving a member of the public or Association staff on the Property.

9. To recognize that the NPS may require use of parts of the Property during emergency situations, such as storm-related events, and to cooperate with the NPS when the need for such use arises.

10. To obtain prior written approval from the Superintendent or his/her designee, which may be in the form of a special use permit if required in accordance with Director's Order # 53, for any activities, ceremonies, or other public or private events conducted by the Association or its employees, contractors, or agents if said activity or event is not previously authorized in accordance with Articles III. A. 1 or III. C. 1 of this Agreement. The Association will provide the NPS with a minimum of two weeks of review time to evaluate the permit request, resolve any questions or concerns about the proposed activity, and approve or deny the request, as appropriate. The Association will not schedule or announce the scheduling of any such program or activity until after the NPS has issued the permit. The NPS normally will waive permit fees if a special use permit is required for activities conducted by the Association, as the long as the permitted activity does not require substantial participation by off-duty NPS personnel for law enforcement, maintenance, or other incident management-related functions.

11. All activities, ceremonies, or other public or private events conducted on the Property by and primarily for the benefit of a third party will require the Association to provide advance notice to and engage in preliminary consultation with the NPS, and obtain a special use permit from the NPS unless determined otherwise by the Superintendent. The Association shall ensure that permit requesters provide the NPS with sufficient information and a minimum of two weeks of review time to evaluate permit requests, resolve any questions or concerns about the proposed activities and approve or deny the requests, as appropriate. The Association shall ensure that permit requesters do not schedule or announce the scheduling of any such program or activity until after the NPS has issued the requisite permit(s). The NPS normally will charge third parties the applicable special use permit fee for activities conducted on the Property, unless the fee is waived by the Superintendent.

12. To manage revenues (program income) generated from authorized activities on the Property in a fiscally responsible and sound manner, and in accordance with this Agreement including without limitation 43 CFR 12.924.

13. Upon request, to provide the NPS such information as in the reasonable judgment of the NPS may be relevant to the Association's compliance with the Agreement.

14. Before ceasing operations on the Property, and upon expiration of the Agreement under Article IV or termination under Article X, remove all Association owned items, including without limitation any on-site hazardous materials purchased, stored or used by the Association, and leave the Property in a clean and orderly condition. Should the Association fail to conduct any of these activities, the NPS has the right to do so without restriction and then seek reimbursement from the Association.

C. The NPS and the Association agree:

1. **Special Programs and Activities** – a. Subject to prior NPS approval the Association may use the Property to conduct special programs and activities that are not directly related to *The Lost* Colony or the thematic purposes of the Association specified in Article I, but which the Association considers necessary and appropriate to maintain its organizational capability in order to achieve its

primary mission. These may include theatrical productions, workshops, and other special programs or activities that are not thematically related to early English colonization. Any such non-thematically related special programs or activities shall reasonably contribute to the artistic development of Association staff, cast or crew; enhance the Association's capability to perform its primary purpose; provide appropriate artistic or cultural experiences for park visitors; be suitable for family audience; and be compatible with the environs of a national park setting (collectively, the Special Program Criteria).

b. Each year the Association shall submit to the Superintendent for approval, on or before November 30, a proposed annual program schedule of all proposed non-thematically related special programs and activities. The Association will allow the NPS a minimum of two weeks of review time to evaluate the programs and schedule, resolve any questions or concerns, and approve or deny the proposal as appropriate. The Association also will submit to the NPS any subsequently proposed revisions of the annual schedule with a requested review time of no less than two weeks.

c. Factors that the NPS will consider in determining the appropriateness of any special program or activity proposed by the Association include, but are not limited to, conformance with the Special Program Criteria and potential impacts on NPS operations including without limitation scheduled interpretive programs, the general visitor experience, and the ambience of the Park.

d. The Association will not schedule or advertise any such program or activity until the NPS has granted written approval of the program schedule or of revisions to the schedule, as applicable.

e. The NPS retains the right to withhold permission to use the Property for any special program or activity that in the judgment of the NPS does not meet the Special Program Criteria or would cause impairment or derogation of the resources, values, and purposes for which the Park was established, including without limitation the potential impacts on NPS operations, as referenced in paragraph c, above.

f. Programs and activities that are jointly planned, conducted, or sponsored by the NPS and the Association are presumed to be authorized and not subject to further NPS review or approval.

2. **Meetings** - The NPS and the Association will jointly conduct an annual safety/fire inspection and meet in a timely manner thereafter to discuss the results of inspections and any corrective measures that must be undertaken. The NPS and the Association will meet with each other annually to review the Operations Plan, and otherwise from time to time as requested by either party, with reasonable notice to the other party, to review the progress of the Agreement implementation and to discuss any related projects, issues, or concerns. For example, in the event of a problem, delay or adverse condition that materially affects the ability of either party to carry out its responsibilities under this Agreement, the parties will meet promptly and attempt to resolve the issue.

3. **Utilities** - The Association may procure water from the NPS at rates fixed by the NPS. Periodically the NPS will submit invoices to the Association for such services, but no less often than quarterly. The Association will remit payment to the NPS within thirty (30) days of receipt of the invoices.

4. **Fees and Finances** - a. The Association may charge and collect reasonable fees for performances and special programs, activities, or services conducted by the Association on the Property. The Association will notify the NPS in writing of its fee rates annually or whenever fees change. The Association may sell refreshments, subject to applicable public health standards, during performances, programs, and other activities, and may sell souvenirs directly associated with the Association or its performances, programs, and activities. RIHA will use such program income to cover or recover its operating costs and maintain its capability to accomplish its primary mission. The Association is not authorized to charge or collect fees for use of the Property, or any portion thereof, by a third party. See paragraph IX.A, below.

b. The Association may maintain out of the program income derived under this Agreement a cash working fund not to exceed $1,000,000. All net profits not used to maintain such working fund shall be set aside as a special fund which, at the discretion of the Association, will be: (a) used to supplement the Association's working fund in the event the working fund becomes depleted and net profits are not available to replace such depletion; or (b) donated to the NPS for further development of the Park, archeological and historical research, protection, interpretation, and related activities, provided, however, that in order to enable the financing of mutually agreed upon facility improvements, both parties may agree in writing to the Association setting aside as a project fund such profits, in whole or in part, as are not used to maintain the working fund. Subject to availability of funding, either party may transfer funds to the other party to accomplish such necessary and agreed upon projects. Transfers of federally obligated funds for such projects would be made in accordance with a project task order (Task Agreement) issued under this Agreement.

5. **Miscellaneous Conditions** – The Association understands and acknowledges that preservation of the Park's historical and archeological character is essential and that all commercial or private interests shall be excluded from the Park except so far as may be necessary for the accommodation of the public. The Association will not use the Property, or any of the rights or privileges described in this Agreement, except and to such extent only as may be needed and intended to be used in good faith by the Association in carrying out the true intent and meaning of this Agreement. The Association also will faithfully keep, observe, enforce and obey, and require its employees and all persons under its control and supervision to observe, enforce and obey each and every provision in this Agreement or in any act of Congress or any rule, order or regulation concerning the Park, its use, care, management or government, or anything in the Park.

6. **Unforeseen Circumstances** - a. In the event of a catastrophic loss or damage to the Property, or portion thereof, that impairs the ability of either party to accomplish its responsibilities under this Agreement, the parties intend to work jointly and cooperatively to repair or replace items or facilities, or to otherwise restore the capacity necessary to successfully implement the Agreement. Either party may contribute funding or in-kind services toward the restoration of that capacity, subject to availability of funds and established administrative procedures and requirements.

b. In the event of a significant change in funding, applicable regulations, or policies, or the significant expansion or contraction in the level of programs, activities, or operations conducted by either party that materially affects the ability of either party to accomplish its respective responsibilities under this Agreement, the parties will work jointly and cooperatively to resolve any

and all issues to the extent possible to preserve or restore each party's ability to successfully implement this Agreement.

ARTICLE IV—TERM OF AGREEMENT

This Agreement will become effective upon signature of both parties (Effective Date) and expire at midnight ten (10) years after the Effective Date, unless terminated earlier in accordance with Article X, below.

ARTICLE V—KEY OFFICIALS

A. **Key Officials:** Key officials are essential to ensure maximum coordination and communications between the parties and the work being performed. They are:

1. **For the NPS:**

Local/Coordinating

Michael B. Murray, Superintendent (or successor)
Outer Banks Group
National Park Service
1401 National Park Drive
Manteo, North Carolina 27954
E-mail: Mike_Murray@nps.gov
Telephone: 252-473-2111 ext. 148
Facsimile: 252-473-2595

Signatory/Administrative

_____, Contracting Officer
Type or Print CO's Name
National Park Service
E-mail: _____
Telephone: _____
Facsimile: _____

2. **For the Association**:

Carl V. Curnutte, III, Executive Director of *The Lost Colony* (or successor)
Roanoke Island Historical Association, Inc.
1409 National Park Drive
Manteo, North Carolina 27954
E-mail: carl@thelostcolony.org
Telephone: 252-473-2127 ext. 227
Facsimile: 252-473-6000

Christopher L. Seawell, Chair (or successor)
Roanoke Island Historical Association, Inc.
1409 National Park Drive
Manteo, North Carolina 27954
E-mail: cseawell@manteolaw.com
Telephone: 252-473-3484
Facsimile: 252-473-2046

B. Communications:

1. The Association will address any communication regarding this Agreement to the Superintendent with a copy to the NPS contracting officer (CO) named above. Communications that relate solely to routine operational matters (i.e., matters that do not have NPS funding implications) may be sent to the Superintendent or his/her designee without further copy to the CO.

2. The NPS will address any communication regarding this Agreement to the Executive Director and Chair named in section A, above, or their respective successors.

C. Changes in Key Officials: Either party may make a change in its key officials after providing written notice to the other party within thirty (30) days of the proposed change. The notice will include an explanation with sufficient detail to permit evaluation of the impact of such change on the activities and requirements specified in this Agreement. Such changes would not require formal modification of this Agreement but will be memorialized in an informal addendum signed by both parties and maintained in the administrative record.

ARTICLE VI - AWARD AND PAYMENT

A. **Task Agreements:** The commitment of funds in furtherance of this Agreement, if any, will be authorized by individual Task Agreements issued under this Agreement. Each Task Agreement must be supported by an Application for Federal Assistance (SF-424) including the appropriate budget form, identify in detail each project or group of projects being funded, and specify the amount of financial assistance, funding account, payment provisions, and other such material term(s) or condition(s) applicable to the project(s).

B. **Requests for Reimbursement:** The Association will submit requests for reimbursement of payments made under the Task Agreements to the NPS Contracting Officer using the Standard Form "Request for Advance or Reimbursement" (SF-270).

C. **Budget and Program Revisions:** In accordance with 43 CFR §12.925, the Association shall obtain prior approval for budget and program revisions pertaining to funds awarded by the NPS under Task Agreements.

ARTICLE VII - LIABILITY

A. The Association agrees:

1. To indemnify, save and hold harmless, and defend the United States against all fines, claims, damages, losses, judgments, and expenses arising out of, or from, any act or omission of the Association, its officers, employees, or (members, participants, agents, representatives, agents as appropriate) arising out of or in any way connected to activities authorized pursuant to this Agreement. This obligation shall survive the termination or expiration of this Agreement.

2. To purchase and maintain throughout the term of this Agreement public and employee's liability insurance at its own expense from a responsible company or companies with a minimum limitation of one million dollars ($1,000,000) per person for any one claim, and an aggregate limitation of three million dollars ($3,000,000) for any number of claims arising from any one incident. The policies shall name the United States as an additional insured, shall specify that the insured shall have no right of subrogation against the United States for payments of any premiums or deductibles due there under, and shall specify that the insurance shall be assumed by, be for the account of, and be at the insured's sole risk. Prior to beginning the activities authorized herein, the Association shall provide the NPS with confirmation of such insurance coverage.

3. To pay the United States the full value for all damage to the lands or other property of the United States caused by the acts or omissions the Association, its officers, employees, agents or representatives.

4. To provide workers' compensation protection to Association employees and representatives.

5. To cooperate with the NPS in the investigation and defense of any claims that may be filed with or against the NPS arising out of the activities of the Association, its officers, employees, agents or representatives.

B. **The NPS agrees:**

To accept responsibility to the fullest extent permitted by law for any property damage, injury or death connected with the performance of the Agreement and caused by the acts or omissions of its representatives, employees, contractors and subcontractors acting within the scope of their employment. The NPS's liability shall be governed by the Federal Tort Claims Act 28 U.S.C. §§ 2761 *et seq*.

ARTICLE VIII – REPORTS AND/OR DELIVERABLES

A. Program Reports: The Association shall provide to the NPS by the end of November each year an annual written report that describes the activities undertaken and accomplished during the past year and activities planned for the coming year. The report shall provide a detailed statement of accomplishments for the past year and of the Association's goals and objectives for the coming year, including without limitation the following:

1. A summary of productions, programs and activities presented during the past year and a schedule of those planned for the coming year; and

2. A list and description of facility improvements or significant physical changes to the Property that were approved and implemented during the past year and/or which are planned for the coming year.

B. Financial Reports: The Association shall obtain an annual audited financial report in accordance with 43 CFR, Part 12.926 and provide it to the NPS within 30 days of its issuance. Details regarding any financial reports required under 43 CFR 12.952 will be addressed in the Task Agreements on a project by project basis.

C. Government Access to Records: The Secretary of the Interior and the Comptroller General of the United States, or their duly authorized representatives, will have access for the purpose of financial or programmatic review and examination to any books, documents, papers, and records that are pertinent to the Agreement at all reasonable times during the period of retention in accordance with 43 CFR §12.953.

ARTICLE IX – PROPERTY UTILIZATION

A. Third Party Use of the Property: This Agreement authorizes the use of NPS Property solely by the Association. The Association is not authorized to assign, lease, or charge fees to third parties for the use of the Property, or any portion thereof. The NPS will approve or deny requests from third parties for special park uses pertaining to the Property and will administer such authorized uses under special permits, as referenced in paragraph III. B. 11, above.

B. Property Management Standards: The standards set forth in 43 CFR §12.933 apply to this Agreement. All tools, equipment, and facilities furnished by the Park will be on a loan basis and will be returned to the NPS in the same condition received except for normal wear and tear in project use.

C. Property Damage or Destruction: Notwithstanding paragraph III. C. 6. a, above, regarding cooperative efforts the parties may undertake in response to unforeseen circumstances, nothing in this Agreement shall be deemed to require or obligate the NPS to replace or repair the Property, or any portion thereof, in the event of damage or destruction.

ARTICLE X – MODIFICATION AND TERMINATION

A. Modification: This Agreement may be modified only by a written instrument executed by the parties.

B. Termination: This Agreement may be terminated solely in accordance with 43 CFR § 12.961. The Parties may choose to mediate disagreements by mutual consent. However, in the event one party provides the other party with notice of its intention to terminate, the parties shall meet promptly to discuss the reasons for the notice and try to resolve their differences, if any, amicably.

ARTICLE XI – GENERAL AND SPECIAL PROVISIONS

A. General Provisions:

1. **OMB Circulars and Other Regulations –** The following regulations and OMB Circulars are incorporated by reference into this Agreement:

(a) *OMB Circular A-110,* as codified in *43 CFR Part 12, Subpart F,* "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations";

(b) *OMB Circular A-122,* "Cost Principles for Non-Profit Organizations";

(c) *OMB Circular A-133,* "Audits of States, Local Governments, and Non-Profit Organizations";

(d) *2 CFR Part 1400,* "Non-Procurement Debarment and Suspension";

(e) *43 CFR Part 12, Subpart E,* "Buy American Requirements for Assistance Programs";

(f) *FAR Clause 52.203-12, Paragraphs (a) and (b)* "Limitation on Payments to Influence Certain Federal Transactions"; and

(g) *43 CFR Part 43,* Government-wide Requirements for Drug-Free Workplace (Financial Assistance)".

2. **Non-Discrimination** - All activities pursuant to this Agreement shall be in compliance with the requirements of *Executive Order 11246,* as amended; *Title VI* of the *Civil Rights Act of 1964*, as amended, (78 Stat. 252; 42 U.S.C. §§2000d et seq.); *Title V, Section 504* of the *Rehabilitation Act of 1973*, as amended, (87 Stat. 394; 29 U.S.C. §794); the *Age Discrimination Act of 1975* (89 Stat. 728; 42 U.S.C. §§6101 et seq.); and with all other federal laws and regulations prohibiting discrimination on grounds of race, color, sexual orientation, national origin, disabilities, religion, age, or sex.

3. **Lobbying Prohibition** - 18 *U.S.C. §1913*, Lobbying with Appropriated Moneys, as amended by *Public Law 107-273,* Nov. 2, 2002 applies to this Agreement and provides as follows:

> No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy, or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to any such Members or official, at his request, or to Congress or such official, through the proper official channels, requests for legislation, law, ratification, policy, or appropriations which they deem necessary for the efficient conduct of the public business, or from making any communication whose prohibition by this section might, in the opinion of the Attorney General, violate the Constitution or interfere with the

conduct of foreign policy, counter-intelligence, intelligence, or national security activities. Violations of this section shall constitute violations of section 1352(a) of title 31.

4. **Anti-Deficiency Act** - *31 U.S.C. §1341* - Nothing contained in this Agreement shall be construed as binding the NPS to expend in any one fiscal year any sum in excess of appropriations made by Congress for the purposes of this Agreement for that fiscal year, or other obligation for the further expenditure of money in excess of such appropriations.

5. **Minority Business Enterprise Development** - *Executive Order 12432* - It is national policy to award a fair share of contracts to small and minority firms. The NPS is strongly committed to the objectives of this policy and encourages all recipients of its cooperative agreements to take affirmative steps to ensure such fairness by ensuring procurement procedures are carried out in accordance with 43 *CFR §12.944* for Institutions of Higher Education; Hospitals and other Non-Profit Organizations, and *43 CFR §12.76* for State and Local Governments.

B. Special Provisions:

1. **Public Information** – a. The Association will not publicize or otherwise circulate promotional material (such as advertisements, sales brochures, press releases, speeches, pictures, still and motion pictures, articles, manuscripts or other publications) which states or implies Governmental, Departmental, bureau, or Government employee endorsement of a product, service, or position which the Association represents. No release of information relating to this Agreement may state or imply that the Government approves of the work product of the Association or considers the Association's work product or services to be superior to other products or services.

b. The Association will ensure that all information submitted for publication or other public releases of information regarding this Agreement or any projects implemented under the Agreement will carry the following disclaimer:

> *The views and conclusions contained in this document are those of the authors and should not be interpreted as representing the opinions or policies of the U.S. Government. Mention of trade names or commercial products does not constitute their endorsement by the U.S. Government.*

c. The Association will obtain prior NPS approval from the Superintendent identified in Article V., above, for any public information release which refers to the Department of the Interior, any bureau or employee (by name or title), or to this Agreement. The specific text, layout, photographs, etc., of the proposed release must be submitted to the, along with the request for approval.

C. **Certifications** – The following certification is required in accordance with the above provisions and made a part of this Agreement:

DI-2010, U.S. Department of the Interior Certification Regarding Debarment, Suspension and Other Responsibility Matters, Drug-Free Workplace Requirement and Lobbying.

ARTICLE XII – ATTACHMENTS

The following documents are attached to and made a part of this Agreement:

Attachment "A" - "Diagram of Land and Facilities Designated for Use by the Association"
Attachment "B" - "Operations Plan"

ARTICLE XIII—SIGNATURES

IN WITNESS HERETO, the parties hereto have executed this Agreement on the date(s) set forth below.

NATIONAL PARK SERVICE

Michael B. Murray — 12/18/09
Michael B. Murray, Superintendent — Date:

Robert Solomon — 12/28/09
Contracting Officer — Date:

ROANOKE ISLAND HISTORICAL ASSOCIATION, INC.

December 17, 2009
Carl V. Curnutte, III, Executive Director — Date:

December 17, 2009
Christopher L. Seawell, Chairman — Date:

F.R. 2241 Issued April 5, 1941
ORDER DESIGNATING THE FORT RALEIGH NATIONAL HISTORIC SITE, ROANOKE ISLAND, N.C.
A.J. Writz, Acting Secretary of the Interior

17 F.R. 236, January 3, 1952
FORT RALEIGH NATIONAL HISTORIC SITE ON ROANOKE ISLAND, DARE COUNTY, N.C., ADDITION OF CERTAIN LANDS
Oscar L. Chapman, Secretary of the Interior

Public Law 87-148, August 17, 1961
AN ACT TO REVISE THE BOUNDARIES OF THE FORT RALEIGH NATIONAL HISTORIC SITE IN NORTH CAROLINA AND FOR OTHER PURPOSES
87th Congress

Public Law 101-603, November 16, 1990
AN ACT TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ACQUIRE CERTAIN LANDS TO BE ADDED TO THE FORT RALEIGH NATIONAL HISTORIC SITE, IN NORTH CAROLINA
101st Congress

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F.R. 2441, Issued April 5, 1941

Order Designating the Fort Raleigh National Historic Site, Roanoke Island, N.C.

WHEREAS, the Congress of the United States has declared it to be a national policy to preserve for the public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States; and

WHEREAS, certain lands and historical remains on the northern end of Roanoke Island, Dare County, North Carolina, have been declared by the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments to be of national significance as a portion of colonial settlement or settlements established in America by Sir Walter Raleigh, 1585-1587; and

WHEREAS, title to the above-mentioned lands and historical remains is vested in the United States, having been donated by the State of North Carolina; and

WHEREAS, an agreement has been made between the Roanoke Island Historical Association and the United States for the annual presentation of Paul Green's celebrated pageant-drama, "The Lost Colony," in the open-air amphitheater on the above-mentioned property;

NOW, THEREFORE, I, Alvin J. Wirtz, Acting Secretary of the Interior, under and by virtue of the authority conferred upon the Secretary of the Interior by Section 2 of the Act of Congress approved August 21, 1935 (49 Stat. 666), do hereby designate the following described lands, with the historical remains thereon, to be a national historic site having the name "Fort Raleigh National Historic Site":

All of that certain tract or parcel of land located on the northern end of Roanoke Island, Dare County, North Carolina, and bounded as follows, viz:

Beginning at a concrete monument in the Southwest Corner of the A.P. Meakin tract of land and in the North edge of the right of way of N.C. State Highway 34 on the North end of Roanoke Island; running thence North 69 deg. 30 min. West along said Highway 554.0 feet to a concrete monument in the Southeast line of the Dough heirs' tract; thence along the line of said Dough heirs' tract North 7 deg. 15 min. West 786.0 feet to a stake in the edge of Roanoke Sound; thence following the various courses of said Sound in an Easterly direction approximately 1090.0 feet plus or minus to a stake in the Northwest corner of the A.P. Meakin tract of land, said stake being 40.5 foot North of an iron pipe in the A.P. Meakin line; thence along said A.P. Meakin line South 29 deg. 00 min. West 951.0 feet to point of beginning. The above described tract being known as the Fort Tract.

The administration, protection, and development of this national historic site shall be exercised by the National Park Service in accordance with the provisions of the Act of August 21, 1935, *supra*.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this historic site.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the office seal of the Department of the Interior to be affixed, in the City of Washington, this 5th day of April 1941.

A.J. Wirtz, Acting Secretary of the Interior.

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9. Fort Raleigh

January 3, 1952, 17 F.R. 236

FORT RALEIGH NATIONAL HISTORIC SITE ON ROANOKE ISLAND, DARE COUNTY, N.C.

ADDITION OF CERTAIN LANDS

Whereas, certain lands and historical remains situated on the northern end of Roanoke Island, Dare County, North Carolina, associated with the colonial enterprises of Sir Walter Raleigh were designated as the Fort Raleigh National Historic Site by Secretarial Order of April 5, 1941 (9 F.R. 2441), pursuant to the provisions of section 2 of the act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 1946 ed., sec. 462); and

Whereas, two parcels of land adjoining the aforesaid lands and historical remains have since been acquired by the United States as additions to, and for use in administering, developing, protecting, and interpreting the said national historic site:

Now, therefore, I Oscar L. Chapman, Secretary of the Interior, by virtue of and pursuant to the authority contained in section 2 of the act of August 21, 1935, do hereby designate as part of the Fort Raleigh National Historic Site two additional parcels of land described as follows:

PARCEL 1

All that certain lot or parcel of land lying and being on the North end of Roanoke Island, in Nags Head Township, Dare County, North Carolina, adjoining the lands of the United States of America, the Roanoke Island Historical Association, Fred Meakin and others and bounded as follows:

Beginning at a concrete monument situated in and marking the Southwest corner of the present Fort Raleigh Tract now owned by the United States of America, and running thence along the South boundary of the Fort Raleigh Tract South 67 deg. East 554 feet to a concrete marker marking the Southeast corner of the said Fort Raleigh Tract; thence South 29 deg. West on the course of an extension of the East boundary of the Fort Raleigh Tract 8 feet, more or less, to the North margin of the N.C. State Highway #345 leading from Manteo to the North end of Roanoke Island; thence in a Northwesterly direction along the North margin of said Highway to the Point of intersection of an extension in a straight line of the West boundary of the said Fort Raleigh Tract with the North margin of said Highway; thence North 7 deg. 45 min. West 35 feet, more or less, to the point of beginning.

PARCEL 2

All that certain tract or parcel of land lying and being on the North end of Roanoke Island, Nags Head Township, Dare County, North Carolina, adjoining the lands of the Fort Raleigh tract, W. O. Dough, the North Carolina State Highway and others, and bounded as follows:

Beginning at a stone on the North margin of the N.C. State Highway on the North end of Roanoke Island said stone being in the South corner of and on the Southeast line of the Fort Raleigh tract of land, running thence along the Fort Raleigh tract of land line North 23 deg. 30 min. East 1,095.5 ft. to the Roanoke Sound, thence along the various courses of the Roanoke Sound South 74 deg. E. 70 ft. to the W.O. Dough property; thence along the W.O. Dough line South 23 deg. 30 min. West 1,098 ft. to the North margin of

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the N.C. State Highway, thence along the North margin of the N.C. State Highway North 74 deg. West 70 ft. to the point of beginning.

The administration, protection, and development of the lands hereinabove described as part of the Fort Raleigh National Historic Site shall be exercised in accordance with the provisions of the act of August 21, 1935.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, in the City of Washington, this 3d day of January 1952.

[SEAL]

OSCAR L. CHAPMAN,
Secretary of the Interior.

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Public Law 87-147

August 17, 1961
[H. R. 2925]

AN ACT

To amend the Act of March 8, 1922, as amended, pertaining to isolated tracts, to extend its provisions to public sales.

Alaska.
Public land sales.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of March 8, 1922 (42 Stat. 415; 48 U.S.C. 376, 377), as amended, is hereby further amended by adding a new section thereto reading as follows:

"SEC. 3. The Secretary of the Interior may sell under the provisions of section 2455 of the Revised Statutes (43 U.S.C. 1171), as amended, lands in Alaska known to contain workable coal, oil, or gas deposits, or that may be valuable for the coal, oil, or gas contained therein, and which are otherwise subject to sale under said section 2455, as amended, upon the condition that the patent issued to the purchaser thereof shall contain the reservation required by section 2 of this Act."

42 Stat. 416.

Approved August 17, 1961.

Public Law 87-148

August 17, 1961
[H. R. 5518]

AN ACT

To revise the boundaries of the Fort Raleigh National Historic Site in North Carolina, and for other purposes.

Fort Raleigh National Historic Site, N. C.
Boundaries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve, as a part of the Fort Raleigh National Historic Site, lands historically associated with the attempt to establish an English colony on Roanoke Island, the boundaries of such site are hereby revised to include the following described lands:

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EASTERN AND SOUTHERN EXTENSION

Beginning at the southwest corner of the present Fort Raleigh National Historic Site, which is on the northerly right-of-way line of North Carolina State Highway Numbered 345, said point bearing south 7 degrees 45 minutes east, 35 feet, more or less, from a concrete monument on the existing west boundary of the said national historic site;

Thence south 72 degrees 00 minutes east, 537 feet, more or less, following everywhere the said northerly right-of-way line of North Carolina State Highway Numbered 345, which line is also the south boundary of Fort Raleigh National Historic Site, to a corner on the said south boundary of the national historic site;

Thence south 68 degrees 30 minutes east, 70 feet, more or less, following everywhere the said northerly right-of-way line of North Carolina State Highway Numbered 345, which line is also the south boundary of Fort Raleigh National Historic Site, to the southwest corner of land now or formerly owned by the W. O. Dough estate;

Thence north 29 degrees 30 minutes east, 992 feet, more or less, along the westerly property line of lands now or formerly owned by the said W. O. Dough estate and of the W. J. Griffin subdivision which line is also the east boundary of the Fort Raleigh National Historic Site, to a point on the high water line of Roanoke Sound, said point being the northwest corner of the said W. J. Griffin subdivision;

Thence south 83 degrees 00 minutes east, 729 feet, more or less, along the high water line of Roanoke Sound to the point of intersection with the westerly line of Dare Avenue, or the extension thereof, in the W. J. Griffin subdivision;

Thence south 29 degrees 30 minutes west, 1,230 feet, more or less, along the said westerly line of any northerly extension of Dare Avenue and/or the westerly line of Dare Avenue, and crossing on a prolongation of said line the 60-foot right-of-way of North Carolina State Highway Numbered 345 to a point on the southerly right-of-way line of said highway;

Thence south 69 degrees 00 minutes east, 115 feet, more or less, following everywhere the said southerly right-of-way line of North Carolina State Highway Numbered 345 to the point of intersection with the easterly property line of land now or formerly owned by Essie Payne; thence south 27 degrees 00 minutes west, 910 feet along the said easterly property line of land now or formerly owned by Essie Payne to a point;

Thence south 7 degrees 45 minutes east, 790 feet, crossing the 100-foot right-of-way of the United States highway bearing numbers 64 and 264, to a point located on land now or formerly owned by Ralph Umphlett; thence south 73 degrees 30 minutes west, 640 feet, more or less, to a point on the easterly property line of land now or formerly owned by Essie Payne;

Thence south 27 degrees 00 minutes west, 175 feet, more or less, along the said easterly property line of land now or formerly owned by Essie Payne to a point on the easterly property line of land now or formerly owned by Willis Pearce;

Thence north 7 degrees 45 minutes west, 1,430 feet, more or less, along the said easterly property line of land now or formerly owned by Willis Pearce, crossing the said 100-foot right-of-way of the United

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States highway bearing numbers 64 and 264, to a point on the southerly property line of land now or formerly owned by Alma Reich and Alton Aydlett;

Thence south 67 degrees 00 minutes west, 1,100 feet, more or less, along the said southerly property line of land now or formerly owned by Alma Reich and Alton Aydlett to a point on the easterly right-of-way line of the Old Ferry Road; thence north 32 degrees 00 minutes east, 1,530 feet, more or less, following everywhere the said easterly right-of-way line of Old Ferry Road, to the point of intersection with the southerly right-of-way line of North Carolina Highway Numbered 345;

Thence northwesterly 60 feet, more or less, crossing the right-of-way of said North Carolina State Highway Numbered 345, to the point of beginning, but excluding therefrom the right-of-way of the United States highway bearing numbers 64 and 264. The tract as described contains approximately 73 acres.

WESTERN ADDITION

Beginning at a point on the high water line of Roanoke Sound which marks the northwest corner of land now or formerly owned by the Roanoke Island Historical Association, said point being located about 450 feet westerly from the northwest corner of the existing Fort Raleigh National Historic Site;

Thence south 35 degrees 15 minutes west, 1,356 feet, more or less, along the west property line of said land now or formerly owned by the Roanoke Island Historical Association crossing the 60-foot right-of-way of North Carolina State Highway Numbered 345, and along the west property line of a second tract of land now or formerly owned by the Roanoke Island Historical Association, to the most westerly corner of the said second-named tract of land now or formerly owned by the Roanoke Island Historical Association;

Thence south 69 degrees 00 minutes west, 100 feet, more or less, to a corner on the easterly property line of land now or formerly owned by Jerome Griffin; thence north 76 degrees 00 minutes west, 2,500 feet, more or less, across land now or formerly owned by Jerome Griffin, to a point of the high water line of Roanoke Sound; thence easterly 3,450 feet, more or less, along the high water line of Roanoke Sound to the point of beginning, the tract as described containing approximately 52 acres.

Additional lands.

SEC. 2. The Secretary of the Interior, in furtherance of the purposes of this Act, is authorized to procure, in such manner and subject to such terms and conditions as he may deem to be in the public interest, lands and interests in lands described in section 1 hereof. In acquiring such additional lands and interests therein for the Fort Raleigh National Historic Site, the Secretary is authorized to use any funds now or hereafter made available for the acquisition of lands in the national park system. When so acquired, they shall be administered as a part of the Fort Raleigh National Historic Site in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535), as amended.

16 USC 1-4.

Approved August 17, 1961.

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Public Law 101-603
101st Congress

An Act

To authorize the Secretary of the Interior to acquire certain lands to be added to the Fort Raleigh National Historic Site in North Carolina.

Nov. 16, 1990
[H.R. 5497]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE OF FORT RALEIGH NATIONAL HISTORIC SITE. 16 USC 461 note.

The purpose of Fort Raleigh National Historic Site (hereinafter in this Act referred to as the "historic site") shall be the preservation and interpretation of—

(1) the first English colony in the New World; and

(2) the history of the Native Americans, European Americans, and African Americans who lived on Roanoke Island, North Carolina.

SEC. 2. ADDITION OF LANDS TO FORT RALEIGH NATIONAL HISTORIC SITE. 16 USC 461 note.

(a) AUTHORITY FOR ACQUISITION.—The Secretary of the Interior may acquire through purchase, donation, or exchange all right, title, and interest in and to the lands described in subsection (b). Upon acquisition, the lands shall be added to and administered as part of the historic site.

(b) DESCRIPTION OF LANDS.—The lands referred to in subsection (a) are the approximately 335 acres depicted on the map entitled "Fort Raleigh National Historic Site Expansion", numbered 383/80,001A, dated October 1990, and on file with the Director of the National Park Service.

SEC. 3. RESEARCH. 16 USC 461 note.

The Secretary, in consultation with scholarly and other historic organizations, shall undertake research on the history and archaeology of the historic site, and the associated peoples and events.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS. 16 USC 461 note.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

Approved November 16, 1990.

LEGISLATIVE HISTORY—H.R. 5497:

HOUSE REPORTS: No. 101-840, Pt. 1 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 136 (1990):
Oct. 10, considered and passed House.
Oct. 27, considered and passed Senate.

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From: Sholly, Cam <cam_sholly@nps.gov>
Sent: Sunday, October 06, 2013 11:44 AM
To: Benge, Shawn
Cc: Barry Roth; Margaret O'Dell; Lena McDowall
Subject: Re: Request for Legal Assistance (Fort Raleigh NHS)

Thanks Shawn and we did discuss this with everyone this morning.

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

On Sun, Oct 6, 2013 at 11:42 AM, Benge, Shawn <shawn_benge@nps.gov> wrote:

Unit: Fort Raleigh National Historic Site, NC

Issue & Background:

The partnership (currently a cooperative agreement) between the National Park Service and Roanoke Island Historical Association was formalized at the time Fort Raleigh National Historic Site was established as a unit of the NPS. The partnership allows the Association to produce and present the outdoor drama titled *The Lost Colony*.

The relationship the Association has with Fort Raleigh pre-dates the establishment of the Park. The Association was one of the primary architects that resulted in the establishment of the Park. The Association assured certain deed restrictions were included in the transfer of lands to the NPS that indicated if the Association were prevented the opportunity to present the outdoor drama, the lands would revert.

The cooperative agreement also allows the Association to present a variety of other mission related dramas. On Friday and Saturday evenings during the month of October, the outdoor drama *PsycoPath* is currently scheduled. Advanced tickets may be purchased on-line. Bill Coleman, CEO of the Association presented the Park with a letter dated October 4, 2013, indicating the Association planned to continue the outdoor drama as scheduled and reminded park management of the reversion clause in the 1964 deed. The outdoor drama was allowed to proceed on Saturday, October 6, 2013. All facilities utilized by the Association in the production of outdoor dramas are NPS owned.

Request:

The SERO is requesting legal review to determine if current closure determination is applicable to the Association's activities in the production of outdoor dramas at Fort Raleigh based on the cooperative agreement and deed restrictions. We would like to be in a position to provide guidance to the Association on Tuesday, October 8.

Materials attached:

- Letter to NPS from the Association Dated Oct 4, 2013
- Current Cooperative Agreement
- Deed Documents

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

From: Roth, Barry <barry.roth@sol.doi.gov>
Sent: Sunday, October 06, 2013 12:23 PM
To: Sholly, Cam; Edward Boling; Edward Keable; Melissa Lackey; Foster, Maureen; O'Dell, Peggy
Subject: Here are several statutory provisions
Attachments: SOL Notes 100613.docx

Relevant to several of the matters we discussed this morning.

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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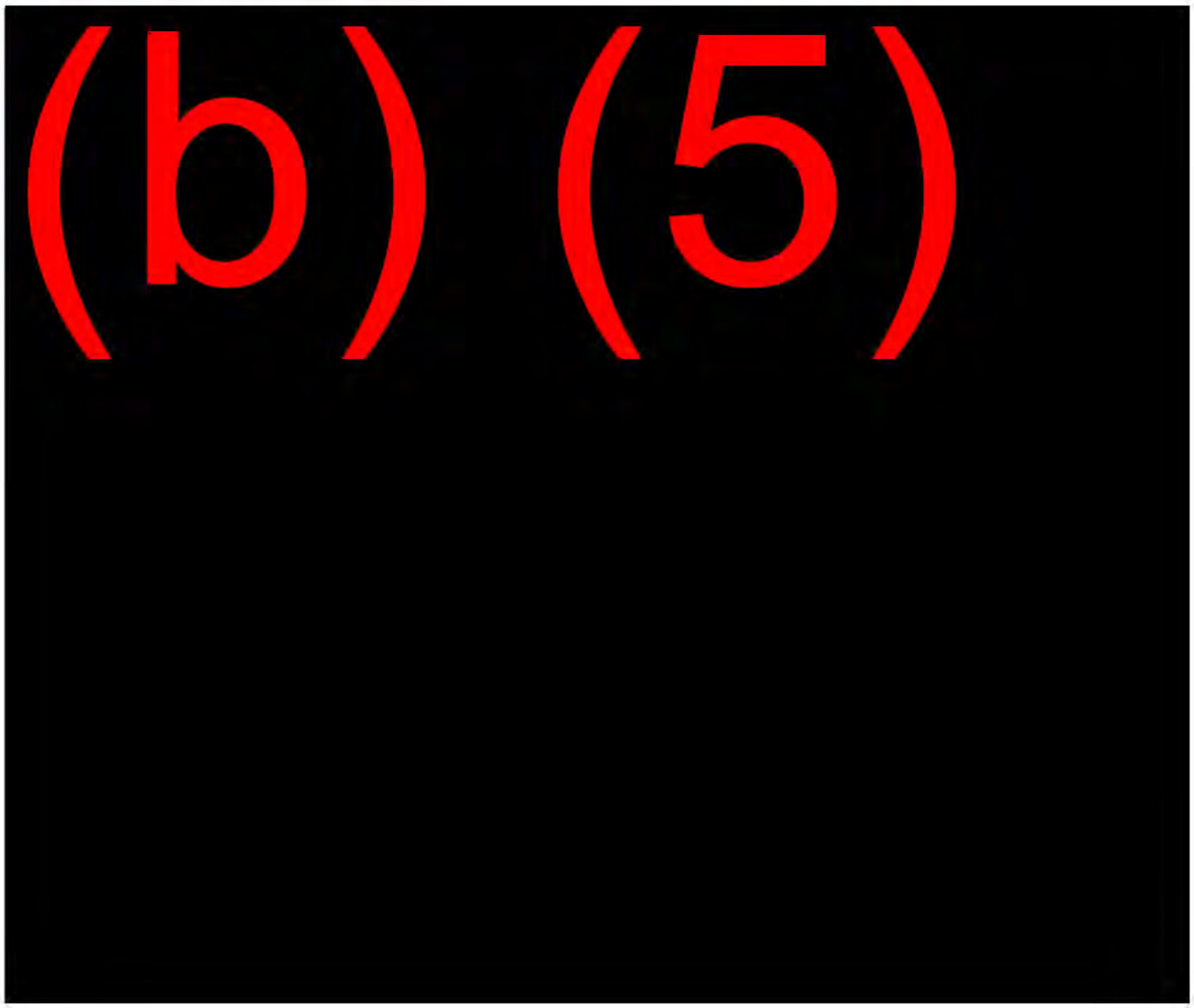
Biscayne National Park

Cape Hatteras National Seashore



(b) (5)

Blue Ridge Parkway

(b) (5)

From: Sholly, Cam <cam_sholly@nps.gov>
Sent: Sunday, October 06, 2013 12:47 PM
To: Margaret O'Dell; Maureen Foster
Subject: Fwd: GOVERNMENT SHUTDOWN - Effects on Commercial Activities
Attachments: Avon Pier.jpg; Avon Fishing Pier Contract CAHA001-98-CC.pdf

Hatteras concession issue

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

---------- Forwarded message ----------
From: **Benge, Shawn** <shawn_benge@nps.gov>
Date: Sun, Oct 6, 2013 at 12:39 PM
Subject: Fwd: GOVERNMENT SHUTDOWN - Effects on Commercial Activities
To: Lena McDowall <lena_mcdowall@nps.gov>
Cc: Cam Sholly <cam_sholly@nps.gov>, Melissa Lackey <melissa.lackey@sol.doi.gov>

Lena,

The email below provides a good narrative of the situation as it currently stands related to Avon Pier. The narrative and email thread also explains how the park provided notification to the operation. A copy of the contract is attached.

After the concession operator closed yesterday evening, the Park installed signs and barricades to close the area as described below. SERO is currently attempting to get in touch with the park to learn if the operator moved the barricades and/or opened for business this morning. For some reason, we are having difficulty in contacting the park. Standby.

If the operator did open, we are at a decision point regarding what to do next.

---------- Forwarded message ----------
From: **Echols, Darrell** <darrell_echols@nps.gov>
Date: Sat, Oct 5, 2013 at 4:56 PM
Subject: Fwd: GOVERNMENT SHUTDOWN - Effects on Commercial Activities
To: Stan Austin <stan_austin@nps.gov>, Shawn Benge <shawn_benge@nps.gov>, David Horne <david_horne@nps.gov>

Cc: Barclay Trimble <Barclay_Trimble@nps.gov>, Paul Stevens <Paul_Stevens@nps.gov>, Cyndy Holda <cyndy_holda@nps.gov>

Folks,

I have attached a copy of the current Avon Pier Contract as well as a aerial picture of the pier and the surrounding property. In the image, the red line denotes the park's boundary and the yellow polygon denotes private property. Everything east of the red line is owned by NPS.

Avon-Thornton is the current concession operator for the Avon Fishing Pier, the only functioning fishing pier within Cape Hatteras NS. It is operating on 1-year extensions until a new contract can be awarded. Services provided by the pier concession are the operation of a fishing pier and the sale of related items. The pier house is a sales area that manages access to the pier (charges a fee to patrons), sells fishing related items (poles, bait, lures, etc.), sells visitor items (postcards, gifts, pictures, etc.), and sells convenience items (bottled water, sodas, packaged food, etc.). The entrance ramp to the pier house, pier house, and the pier were purchased by the NPS in the 80's. Exhibit B outlines the land assigned to the Avon Pier contract, which includes a 100 ft wide swath from the western boundary to the Atlantic Ocean. Exhibit C identifies the government improvements provided to Avon-Thornton as part of the contract and identifies the pier house and pier.

On October 1, the park concession specialist called Kieth Matthews (site manager at the Avon Pier), Scott Huff (general manager of EWN Development Company who operates the pier), and the account manager for EWN notifying them that the pier needed to close as required by the government shutdown. An email (attached below) outlining the requirement was also sent to Mr. Matthews and Mr. Huff. Barclay Trimble, at the request of Mr. Huff, called Mr. Huff explaining the requirement to close the pier. They agreed to close the pier at 12:00 on October 1. The pier remained closed until 6:00 am October 5.

On October 5, the park Chief Ranger and Deputy Superintendent contacted Kieth Matthews (pier manager) and Ed Nunnally (Owner of EWN) and advised them that the pier must be closed while the government is shutdown. Mr. Nunnally advised us that he would not close and did not care about the contract.

The park will continue with our original plan,which is to install barricades and signs at the entrance to the pier and signs on the pier house doors, but not post an LE Ranger. We will monitor the pier throughout the day tomorrow to see if the closure is violated. Pictures will be taken of the barricades and of any activity that takes place during the day.

Please let us know if you need any additional information or clarification.

Darrell

---------- Forwarded message ----------
From: **Blankenship, Jo Anne** <jo_anne_blankenship@nps.gov>
Date: Sat, Oct 5, 2013 at 4:49 PM
Subject: Fwd: GOVERNMENT SHUTDOWN - Effects on Commercial Activities
To: Darrell Echols <darrell_echols@nps.gov>

This is the email that was sent to all concessioners and CUA holders.

Unfortunately, I sent this to them as a bcc, so the names are not showing up in the forward, but I sent this to the General Manager of EWN Development Company, with a follow-up phone call, the Account Manager for EWN Development Company, and the Site Manager for EWN Development Company.

Thank You,
Jo Anne

---------- Forwarded message ----------
From: **Blankenship, Jo Anne**
Date: Tuesday, October 1, 2013
Subject: GOVERNMENT SHUTDOWN - Effects on Commercial Activities
To:

NOTICE TO ALL CONCESSIONERS AND COMMERCIAL USE AUTHORIZATION HOLDERS

OUTER BANKS GROUP
Cape Hatteras National Seashore (Seashore)
Wright Brothers National Memorial
Fort Raleigh National Historic Site

EFFECTIVE IMMEDIATELY

Due to the lapse in appropriations (government shutdown), the National Park Service is taking the required steps to close and secure national park facilities and grounds including all commercial services under concession contracts and commercial use authorizations (CUA).

The shutdown starts TODAY, Tuesday, October 1, 2013 and will remain in effect until Congress passes an appropriation to reopen the Federal Government

- All day-use, concession-operated visitor services and facilities, regardless of physical location, are to be closed.
- Services offered via CUA, whether originating within or outside of National Park Service boundaries, are to cease operations within National Park Service boundaries.
- Concessioners and CUA holders may not commence new trips after a shutdown has been initiated. Visitors on guided trips (charter boat, headboat, or horseback riding), whether concessioner-operated or under a CUA, that have already departed at the start of the shutdown will be allowed to complete their trip that day.
- Access to privately owned boats is permitted, but use for recreational purposes within Seashore boundaries is not allowed. This includes departing from or returning to a marina within the Seashore.

The National Park Service will provide you with additional information as it becomes available.

Thank You,
Jo Anne

--
Jo Anne Blankenship
NPS-Outer Banks Group
Concessions Specialist
(252) 475-9048 work
(252) 216-6340 cell

CONFIDENTIALITY NOTICE
The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

--
Jo Anne Blankenship
NPS-Outer Banks Group
Concessions Specialist
(252) 475-9048 work
(252) 216-6340 cell

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--
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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--
Shawn Benge
Deputy Regional Director

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

N
© 2013 Google
Google earth
00050677 NPS-20240-000015 (0746) Page 1 of 1
1993
Imagery Date: 4/6/2013 35°20'52.34" N 75°30'04.36" W elev 11 ft eye alt 1608 ft

4312-53

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Continuation of Visitor Services

AGENCY: National Park Service, Interior

ACTION: Public Notice

SUMMARY: Pursuant to the terms of existing concession contracts, the National Park Service hereby gives notice that it has continued visitor services for a period not-to-exceed 1 year from the date of contract expiration with respect to the listed contracts.

EFFECTIVE DATE: January 1, 2012

SUPPLEMENTARY INFORMATION: The contracts listed below have been extended to the maximum allowable under 36 C.F.R. § 51.23. Under the provisions of current concession contracts and pending the completion of the public solicitation of a prospectus for a new concession contract, the National Park Service authorizes continuation of visitor services for a period not-to-exceed 1 year under the terms and conditions of the current contract as amended. The continuation of operations does not affect any rights with respect to selection for award of a new concession contract.

Conc ID Number	Concessioner Name	Park
NACC001-89	Golf Course Specialists, Inc.	National Mall and Memorial Parks
NACC006-98	Thanh Van Vo	National Mall and Memorial Parks
NACC009-98	Hung Thi Nguyen	National Mall and Memorial Parks
GATE003-98	Marinas of the Future, Inc.	Gateway National Recreation Area
SHEN001-85	ARAMARK Sports and Entertainment Services, Inc.	Shenandoah National Park
LAKE001-73	Rex G. Maughan & Ruth G. Maughan	Lake Mead National Recreation Area
LAKE002-82	Lake Mead RV Village, LLC	Lake Mead National Recreation Area
LAKE005-97	Rex G. Maughan	Lake Mead National Recreation Area
LAKE006-74	Las Vegas Boat Harbor, Inc.	Lake Mead National Recreation Area
LAKE009-88	Temple Bar Marina, LLC	Lake Mead National Recreation Area
LARO001-92	Dakota Columbia Rentals, LLC	Lake Roosevelt National Recreation Area
OLYM001-78	ARAMARK Sports and Entertainment Services, Inc.	Olympic National Park
OLYM002-89	Log Cabin Resort, Inc.	Olympic National Park
ROLA003-87	Ross Lake Resort, Inc.	North Cascades National Park Service Complex
SEKI001-97	Timothy B. Loverin and Patty Loverin	Sequoia and Kings Canyon National Parks
AMIS002-89	Lake Amistad Resort and Marina, LLC	Amistad National Recreation Area
AMIS003-87	Rough Canyon Marina, LLC	Amistad National Recreation Area
CACH001-84	White Dove, Inc., dba Thunderbird Lodge	Canyon de Chelly National Monument
GLAC002-81	Glacier Park, Inc.	Glacier National Park
GLCA002-88	ARAMARK Bullfrog Marina Inc. and Halls Crossing Resort	Glen Canyon National Recreation Area
GLCA003-69	ARAMARK Wahweap Lodge and Marina, Inc.	Glen Canyon National Recreation Area
GRTE003-97	Signal Mountain Lodge, LLC	Grand Teton National Park
GRTE004-98	Harold M. Turner, John F. Turner, and Donald M. Turner	Grand Teton National Park
INDE001-94	Concepts by Staib, Ltd.	Independence National Historical Park
MEVE001-82	ARAMARK Mesa Verde Company, Inc.	Mesa Verde National Park
PEFO001-85	Xanterra Parks and Resorts, LLC	Petrified Forest National Park
OZAR012-88	Akers Ferry Canoe Rental, Inc.	Ozark National Scenic Riverways
BLRI001-93	Southern Highland Handicraft Guild	Blue Ridge Parkway
BLRI002-83	Northwest Trading Post, Inc.	Blue Ridge Parkway
CAHA001-98	Avon-Thornton Limited Partnership	Cape Hatteras National Seashore
CAHA004-98	Oregon Inlet Fishing Center, Inc.	Cape Hatteras National Seashore
MACA002-82	Forever Resorts	Mammoth Cave National Park
VIIS001-71	Caneel Bay, Inc.	Virgin Islands National Park

FOR FURTHER INFORMATION CONTACT: Jo A. Pendry, Chief, Commercial Services Program, National Park Service, 1201 Eye Street, NW., 11th Floor, Washington, DC 20005, Telephone (202) 513-7156.

_____

Jo A. Pendry
Acting Associate Director, Business Services

Date: _____

[Federal Register: January 14, 2011 (Volume 76, Number 10)]
[Notices]
[Page 2705-2706]
From the Federal Register Online via GPO Access [wais.access.gpo.gov]
[DOCID:fr14ja11-71]

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-CONC-0111-6326; 2410-OYC]

Notice of Continuation of Visitor Services

AGENCY: National Park Service, Interior.

ACTION: Public notice.

DATES: Effective January 1, 2011.

FOR FURTHER INFORMATION CONTACT: Jo A. Pendry, Chief, Commercial Services Program, National Park Service, 1201 Eye Street, NW., 11th Floor, Washington, DC 20005, Telephone, (202) 513-7156.

[[Page 2706]]

SUMMARY: Pursuant to the terms of existing concession contracts, public notice is hereby given that the National Park Service intends to request a continuation of visitor services for a period not-to-exceed 1 (one) year from the date of contract expiration.

SUPPLEMENTARY INFORMATION: The contracts listed below have been extended to maximum allowable under 36 CFR 51.23. Under the provisions of current concession contracts and pending the completion of the public solicitation of a prospectus for a new concession contract, the National Park Service authorizes continuation of visitor services for a period not-to-exceed 1 year under the terms and conditions of the current contract as amended. The continuation of operations does not affect any rights with respect to selection for award of a new concession contract.

Conc ID No.	Concessioner name	Park
NACC004-89	Landmark Services Tourmobile, Inc.	National Capital Parks--Central.
INDE001-94	Concepts by Staid, Ltd	Independence National Historical Park.
SHEN001-85	ARAMARK Sports & Entertainment Services, Inc.	Shenandoah National Park.
DEVA002-81	Xanterra Parks & Resorts, Inc.	Death Valley National Monument.
LAKE001-73	Rex G. Maughan & Ruth G. Maughan.	Lake Mead National Recreation Area.
LAKE002-82	Lake Mead RV Village, LLC.	Lake Mead National Recreation Area.
LAKE005-97	Rex G. Maughan	Lake Mead National Recreation Area.
LAKE006-74	Las Vegas Boat Harbor, Inc..	Lake Mead National Recreation Area.
LAKE009-88	Seven Resorts, Inc.	Lake Mead National Recreation Area.
OLYM001-78	ARAMARK Sports & Entertainment, Inc.	Olympic National Park.
OLYM002-89	Log Cabin Resort, Inc.	Olympic National Park.
ROLA003-87	Ross Lake Resort, Inc.	Ross Lake National Recreation Area.
AMIS002-89	Forever Resorts	Amistad National Recreation Area.
AMIS003-87	Forever Resorts	Amistad National Recreation Area.
CACH001-84	White Dove, Inc. dba Thunderbird Lodge.	Canyon de Chelly National Monument.
GLAC002-81	Glacier Park, Inc.	Glacier National Park.
GLCA002-88	ARAMARK	Glen Canyon National Recreation Area.
GLCA003-69	ARAMARK	Glen Canyon National Recreation Area.
GRTE003-97	Rex G. and Ruth G. Maughan.	Grand Teton National Park.
GRTE004-98	Louise M. and Harold M. Bertschy dba	Grand Teton National Park.

	Triangle X Ranch.	
MEVE001-82	ARAMARK	Mesa Verde National Park.
PEFO001-85	Xanterra Parks & Resorts, LLC.	Petrified Forest National Park.
HOSP002-94	Buckstaff Bath House Company.	Hot Springs National Park.
OZAR012-88	Akers Ferry Canoe Rental, Inc.	Ozark National Scenic Riverway.
OZAR016-89	Carr's Grocery & Canoe Rental.	Ozark National Scenic Riverway
BLRI001-93	Southern Highland Handicraft Guild.	Blue Ridge Parkway.
BLRI002-83	Northwest Trading Post, Inc.	Blue Ridge Parkway.
BLRI007-82	Forever NPC Resorts, LLC.	Blue Ridge Parkway.
CAHA001-98	Avon-Thornton Limited Partnership.	Cape Hatteras National Seashore.
CAHA002-98	Cape Hatteras Fishing Pier, Inc.	Cape Hatteras National Seashore.
CAHA004-98	Oregon Inlet Fishing Center, Inc.	Cape Hatteras National Seashore.
MACA002-82	Forever Resorts, Inc..	Mammoth Cave National Park.
VIIS001-71	Caneel Bay, Inc.	Virgin Islands National Park.

FOR FURTHER INFORMATION CONTACT: Jo A. Pendry, Chief, Commercial Services Program, National Park Service, 1201 Eye Street, NW., 11th Floor, Washington, DC 20005, Telephone (202) 513-7156.

Dated: January 10, 2011.
Katherine H. Stevenson,
Associate Director, Business Services.
[FR Doc. 2011-693 Filed 1-13-11; 8:45 am]
BILLING CODE 4312-53-P

CAHA001

United States Department of the Interior

NATIONAL PARK SERVICE
Southeast Regional Office
Atlanta Federal Center
1924 Building
100 Alabama St., S.W.
Atlanta, Georgia 30303

In Reply Refer To:

C3827

RECEIVED
DEC 0 5 2008

Mr. Edward W. Nunnally
For the Avon Pier
E.W.N. Development Company
P.O. Box 899
Powhatan, VA 23139
CC-CAHA001-98

Dear Mr. Nunnally:

The National Park Service continues the process of issuing prospectuses for new concessions contracts. The development and public solicitation of a prospectus for a concession contract covering services which you are currently providing has not been completed at this time.

Accordingly, under the provisions of your current concession contract that provide for your continuation of operations for a reasonable time after expiration, the National Park Service hereby authorizes you to continue operational visitor services for a period not to exceed one year (December 31, 2009) under the terms and conditions of your current contract, as amended or until such time as a new contract for this operation is awarded, whichever occurs first.

The National Park Service will notify you when it issues a solicitation for award of a new concessions contract covering the service provided by you.

Please indicate your receipt of this authorization by signing and dating this letter in the space provided below. Return the signed letter to the full address listed in the heading at the top of this page no later than **December 31, 2008**, and specify the letter should be routed to the Concessions Office.

Sincerely,

David Vela
Regional Director
Southeast Region

Accepted: _____ Date _____
Edward W. Nunnally

TAKE PRIDE® IN AMERICA

[Federal Register: February 22, 2005 (Volume 70, Number 34)]
[Notices]
[Page 8628-8629]
From the Federal Register Online via GPO Access [wais.access.gpo.gov]
[DOCID:fr22fe05-111]

DEPARTMENT OF THE INTERIOR

National Park Service

Notice; Continuation of Visitor Services

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: Pursuant to the terms of existing concession contracts, public notice is hereby given that the National Park Service intends to request a continuation of visitor services for a period not-to-exceed 1 year from the date of contract expiration.

SUPPLEMENTARY INFORMATION: The contracts listed below have been extended to maximum allowable under 36 CFR 51.23. Under the provisions of current concession contracts and pending the completion of the public solicitation of a prospectus for a new concession contract, the National Park Service authorizes continuation of visitor services for a period not-to-exceed 1 year under the terms and conditions of the current contract as amended. The continuation of operations does not affect any rights with respect to selection for award of a new concession contract.

Concid No.	Concessioner's name	Park
CC-BISC006-89.....	Florida National Parks & Monuments Assoc., Inc.	Biscayne National Park.
CC-BISO006-96.....	The View/Bear Camp (Bear Creek Campgrounds & Equestrian Area).	Big South Fork NRRA.
CC-BLRI001-93.....	Southern Highland Handicraft Guild.	Blue Ridge Parkway.
CC-BLRI002-83.....	Northwest Trading Post, Inc..	Blue Ridge Parkway.
CC-BUIS001-98.....	Southern Seas, Inc....	Buck Island Reef NM.
CC-BUIS006-98.....	Teroro, Inc.....	Buck Island Reef NM.
CC-BUIS015-98.....	Milemark, Inc.....	Buck Island Reef NM.
CC-CAHA001-98.....	Avon-Thornton Limited Partnership.	Cape Hatteras National Seashore.
CC-CAHA002-98.....	Cape Hatteras Fishing	Cape Hatteras

	Pier, Inc..	National Seashore.
CC-CAHA003-98.....	Hatteras Island Motel Limited Partnership.	Cape Hatteras National Seashore.
CC-CAHA004-98.....	Oregon Inlet Fishing Center, Inc..	Cape Hatteras National Seashore.
CC-CALO003-98.....	Morris Marina, Kabin Kamps & Ferry Service, Inc.	Cape Lookout NS.
CC-EVER002-89.....	Everglades National Park Boat Tours, Inc..	Everglades National Park.
CC-EVER001-80.....	Xanterra Parks and Resorts.	Everglades National Park.
CC-FOSU001-86.....	Fort Sumter Tours, Inc..	Fort Sumter NM.
CC-GRSM002-83.....	Leconte Lodge, Inc....	Great Smoky Mountains NP.
CC-GRSM007-94.....	Smokemont Riding Stables of North Carolina, Inc.	Great Smoky Mountains NP.
CC-VIIS001-71.....	Caneel Bay, Inc.....	Virgin Islands NP.

[[Page 8629]]

EFFECTIVE DATE: January 2, 2005.

FOR FURTHER INFORMATION CONTACT: Jo A. Pendry, Concession Program Manager, National Park Service, Washington, DC 20240, Telephone 202/513-7156.

Dated: December 17, 2004.
Alfred J. Poole, III,
Acting Associate Director, Administration, Business Practices and Workforce Development.
[FR Doc. 05-3334 Filed 2-18-05; 8:45 am]

BILLING CODE 4312-53-M

[Federal Register: January 31, 2003 (Volume 68, Number 21)]
[Notices]
[Page 5042-5043]
From the Federal Register Online via GPO Access [wais.access.gpo.gov]
[DOCID:fr31ja03-116]

DEPARTMENT OF THE INTERIOR

National Park Service

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: Pursuant to the terms of existing concession contracts, public notice is hereby given that the National Park Service intends to request a continuation of visitor services for a period not-to-exceed one year from the date of contract expiration.

SUPPLEMENTARY INFORMATION: The contracts listed below have been extended to the maximum allowable under 36 CFR 51.23. Under the provisions of current concession contracts and pending the development and public solicitation of a prospectus for a new concession contract, the National Park Service authorizes continuation of visitor services for a period not-to-exceed one year under the terms and conditions of current contracts as amended. The continuation of operations does not affect any rights with respect to selection for award of a new concession contract.

Concessioner ID No.	Concessioner name	Park
CP-BISC002-87.....	Biscayne National Underwater Park, Inc.	Biscayne National Park.
CP-BISC006-89.....	Florida National Parks & Monuments Assoc.	Biscayne National Park.
CP-EVER006-89.....	Florida National Parks & Monuments Assoc.	Big Cypress National Preserve.
TCC-BISO002-99.....	Bobby Gene and Gretta York.	Big South Fork NRRA NRRA.
CP-BISO002-89.....	Eastern National..	Big South Fork NRRA NRRA.
CP-BISO001-98.....	LeConte Lodge Limited Partnership.	Big South Fork NRRA.
CP-BISO006-96.....	The View, Bear	Big South Fork

	Creek Horse Camp.	NRRA.
CP-BISO005-95.....	The View, Station Camp.	Big South Fork NRRA.
CP-BLRI009-87.....	Parkway Inn.....	Blue Ridge Parkway.

[[Page 5043]]

CP-BLRI002-83.....	Northwest Trading Post.	Blue Ridge Parkway.
CP-BLRI001-93.....	Southern Highland Handcraft Guild.	Blue Ridge Parkway.
CP-BUIS001-98.....	Southern Seas, Inc	Buck Island Reef NM.
CP-BUIS006-98.....	Teroro, Inc.....	Buck Island Reef NM.
CP-BUIS008-98.....	Llewellyn Westerman.	Buck Island Reef NM.
CP-BUIS014-98.....	Francis J. Waters.	Buck Island Reef NM.
CP-BUIS015-98.....	Milemark, Inc.....	Buck Island Reef NM.
CP-BUIS019-98.....	Carl Punzenberger.	Buck Island Reef NM.
CC-CAHA001-98.....	Avon-Thornton Limited Partnership.	Cape Hatteras National Seashore.
CC-CAHA002-98.....	Cape Hatteras Fishing Pier, Inc.	Cape Hatteras National Seashore.
CC-CAHA003-84.....	Hatteras Island Motel Limited Partnership.	Cape Hatteras National Seashore.
CC-CALO004-98.....	Oregon Inlet Fishing Center, Inc.	Cape Hatteras National Seashore.
CC-CALO003-98.....	Morris Marina, Kabin Kamps and Ferry Service, Inc.	Cape Lookout NS.
CC-CALO005-98.....	Alger G. Willis Fishing Camp, Inc.	Cape Lookout NS.
CC-CUIS001-88.....	Lang Seafood, Inc.	Cumberland Island NS.
CP-EVER006-89.....	Florida National Parks & Monuments Assoc.	Everglades National Park.
CC-EVER001-80.....	Xanterra Parks and Resorts.	Everglades National Park.
CI-FOFR001-98.....	Fort Frederica Association.	Fort Frederica National Monument.
CP-GRSM004-98.....	Cades Cove Riding Stables, Inc.	Great Smoky Mountains.
CP-GRSM005-98.....	Cherokee Boys Club	Great Smoky Mountains.
CP-GRSM010-98.....	Great Smokey Mountains NHA.	Great Smoky Mountains.
CP-GRSM002-83.....	Leconte Lodge	Great Smoky

	Limited.	Mountains.
CP-GRSM003-98.....	Tammy Shular.....	Great Smoky Mountains.
CP-GRSM007-94.....	Smokemont Riding Stables of North Carolina, Inc.	Great Smoky Mountains.
CC-GUIS001-98.....	Dudley Food and Beverage, Inc.	Gulf Island National Seashore.
CC-GUIS003-89.....	Pan Isles, Inc....	Gulf Island National Seashore.
CP-NATR004-98.....	Craftmen's Guild of Mississippi, Inc.	Natchez Trace Parkway.
CP-SERO001-92.....	Eastern National..	South East Region.
CC-VIIS001-71.....	Caneel Bay, Inc...	Virgin Islands NP.
CP-VIIS008-96.....	Caneel Bay, Inc...	Virgin Islands NP.
CO-VIIS007-98.....	Maho, Inc.....	Virgin Islands NP.
CP-WRBR001-98.....	Kitty Hawk Aero Tours, Inc.	Wright Brothers National Monument.

EFFECTIVE DATE: January 2, 2003.

FOR FURTHER INFORMATION CONTACT: Cynthia Orlando, Concession Program Manager, National Park Service, Washington, DC, 20240, Telephone 202/513-7156.

Dated: December 13, 2002.
Richard G. Ring,
Associate Director, Administration, Business Practices and Workforce Development.
[FR Doc. 03-2324 Filed 1-30-03; 8:45 am]
BILLING CODE 4310-70-M

[Federal Register: December 28, 2001 (Volume 66, Number 249)]
[Notices]
[Page 67297-67300]
From the Federal Register Online via GPO Access [wais.access.gpo.gov]
[DOCID:fr28de01-117]

DEPARTMENT OF THE INTERIOR

National Park Service

Concession Contracts and Permits: Extension of Expiring Contracts for Up to One Year

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: Pursuant to 36 CFR 51.23; public notice is hereby given that the National Park Service proposes to extend the following expiring concession contracts for a period of up to one year, or until such time as a new contract is executed, whichever occurs sooner.

SUPPLEMENTARY INFORMATION: All of the listed concession authorizations will expire by their terms on or before December 31, 2001. The National Park Service has determined that the proposed short-term extensions are necessary in order to avoid interruption of visitor services and has taken all reasonable and appropriate steps to consider alternatives to avoid such interruption. These extensions will allow the National Park Service to complete and issue prospectuses leading to the competitive selection of concessioners for new long-term concession contracts covering these operations.

Concessioner ID No.	Concessioner name	Park
ANIA903.....	Katmai Guide Service.	Aniakchak National Monument and Preserve.
ANIA904.....	King Guiding Service.	Aniakchak National Monument and Preserve.
ANIA906.....	Cinder River Lodge...	Aniakchak National Monument and Preserve.
ARO001.....	Alaska Natural Hist Assn.	Alaska Regional Office.
BADL001.....	Oglala Sioux Tribe (Cedar Pass Lodge).	Badlands National Park.
BAND001.....	Bandelier Trading, Inc.	Badlands National Monument.
BEOL001.....	Bent's Old Fort Historical Assn.	Bent's Old Fort National Historic Site.
BISC002.....	Biscayne National Underwater Park, Inc.	Biscayne National Park.
BISO001.....	LeConte Lodge Limited Partnership.	Big South Fork National Recreation Area.

BUIS014.....	Francis J. Waters....	Buck Island Reef National Monument.
BUIS015.....	Milemark, Inc.....	Buck Island Reef National Monument.
BUIS019.....	Carl Punzenberger....	Buck Island Reef National Monument.
CACO002.....	The Benz Corporation.	Cape Cod National Seashore.
CACO006.....	Hosteling International.	Cape Cod National Seashore.
CAHA001.....	Avon-Thornton Limited Partnership.	Cape Hatteras National Seashore.
CAHA002.....	Cape Hatteras Fishing Pier, Inc.	Cape Hatteras National Seashore.
CAHA004.....	Oregon Inlet Fishing Center, Inc.	Cape Hatteras National Seashore.

[[Page 67298]]

CALO003.....	Morris Marina, Kabin Kamps & Ferry Svc.	Cape Lookout National Seashore.
CALO005.....	Alger G. Willis Fishing Camps, Inc.	Cape Lookout National Seashore.
CHAM001.....	My Other Squeeze.....	Chamizal National Monument.
CHAM003.....	Triple L Rolling Restaurant.	Chamizal National Monument.
CHAM004.....	Donut Factory.....	Chamizal National Monument.
CHAM005.....	Party Time Ice Cream.	Chamizal National Monument.
CHAM006.....	Senor Elote.....	Chamizal National Monument.
CHAM007.....	Coronado Prime Meats.	Chamizal National Monument.
CHAM008.....	Mama's Papas.....	Chamizal National Monument.
CHAM009.....	Mando's Concessions..	Chamizal National Monument.
CHAT001.....	Chattahoochee Outdoor Center, Inc.	Chattahoochee River National Recreation Area.
CHIS002.....	Channel Islands Aviation, Inc.	Channel Islands National Park.
COLM001.....	Colorado National Monument Assn.	Colorado National Monument.
COLO005.....	Eastern National.....	Colonial National Historic Park.
COLO001.....	Yorktown Shoppe.....	Colonial National Historical Park.
CUVA001.....	American Youth Hostels.	Cuyahoga Valley.
DENA030.....	Kantishna Air Taxi...	Denali National Park and Preserve.
DENA005.....	Rainier Mountaineering, Inc.	Denali National Park and Preserve.
DENA006.....	Mountain Trip, Inc...	Denali National Park and Preserve.
DENA008.....	Alaska Mountaineering School.	Denali National Park and Preserve.
DENA009.....	Fantasy Ridge Alpinism, Inc.	Denali National Park and Preserve.

YELL164.....	Gallatin Way Ranch...	Yellowstone National Park.
YELL165.....	Gunsel Horse Adventures.	Yellowstone National Park.
YELL166.....	Elkhorn Ranch.....	Yellowstone National Park.
YELL168.....	Llamas of West Yellowstone.	Yellowstone National Park.
YELL169.....	Shoshone Lodging Outfitters.	Yellowstone National Park.
YELL170.....	Diamond K Outfitters.	Yellowstone National Park.
ZION004.....	Zion Natural History Association.	Zion National Park.

EFFECTIVE DATE: January 2, 2002.

FOR FURTHER INFORMATION CONTACT: Cynthia Orlando, Concession Program Manager, National Park Service, Washington, DC 20240, Telephone 202/565-1210.

Dated: November 29, 2001.

Cynthia Orlando,

Concession Program Manager, Park Operations and Education.

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UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

--00000--

CONCESSION CONTRACT

AVON-THORNTON LIMITED PARTNERSHIP

To Operate
Ocean Fishing Pier

WITHIN

CAPE HATTERAS NATIONAL SEASHORE

--00000--

CONTRACT NO. CC-CAHA001-98 EXECUTED October 13, 1998

COVERING THE PERIOD

JANUARY 1, 1998 THROUGH December 31, 1999

*** CAPE HATTERAS NATIONAL SEASHORE ***
**** Southeast Region - National Park Service ****

CONCESSION CONTRACT

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***** CAPE HATTERAS NATIONAL SEASHORE *****
****** Southeast Region - National Park Service ******

THIS CONTRACT made and entered into by and between the United States of America, acting in this matter by the Secretary of the Interior, through the Director of the National Park Service, hereinafter referred to as the "Secretary," and Avon-Thornton Limited Partnership, a partnership formed and existing under the laws of the State of North Carolina, with Thornton Development Corporation the General Partner, hereinafter referred to as the "Concessioner":

W I T N E S S E T H:

THAT WHEREAS, Cape Hatteras National Seashore, the "Area" is administered by the Secretary to conserve the scenery and the natural and historic objects and the wildlife therein, and to provide for the public enjoyment of the same in such manner as will leave such area unimpaired for the enjoyment of future generations; and

WHEREAS, the accomplishment of these purposes requires that facilities and services that have been determined to be necessary and appropriate for the public use and enjoyment of the area be provided for the public visiting the area; and

WHEREAS, the United States provided such necessary facilities and services and desires the Concessioner to operate them at reasonable rates under the supervision and regulation of the Secretary; and

WHEREAS, pursuant to law the Secretary is required to exercise his authority hereunder in a manner consistent with a reasonable opportunity by the Concessioner to realize a profit on the operations conducted hereunder as a whole commensurate with the capital invested and the obligations assumed:

NOW, THEREFORE, pursuant to the authority contained in the Acts of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), and October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), and other laws supplemental thereto and amendatory thereof, the Secretary and the Concessioner agree as follows:

SEC. 1. TERM OF CONTRACT This CONTRACT shall be for the term of two (2) years from January 1, 1998 through December 31, 1999.

SEC. 2. ACCOMMODATIONS, FACILITIES AND SERVICES (a) The Secretary hereby requires and authorizes the Concessioner during the term of this CONTRACT to operate an ocean fishing pier with related merchandising, for the public within the Area.

(b) The Secretary reserves the right to determine and control the nature, type and quality of the merchandise and services described herein to be sold or furnished by the Concessioner within the Area.

(c) This CONTRACT and the administration of it by the Secretary shall be subject to the laws of Congress governing the Area and rules, regulations and policies promulgated thereunder, whether now in force or hereafter enacted or promulgated, including but not limited to United States Public Health Service requirements. The Concessioner must also comply with applicable requirements promulgated by the United States Department of Labor's Occupational Safety and Health Act of 1970 (OSHA) and those provisions outlined in the National Park Service's Safety and Occupational Health Policy associated with visitor safety and health.

(d) In order to implement these requirements the Secretary in consultation with the Concessioner, shall establish and revise as circumstances warrant, specific operating requirements in the form of an Operating Plan which shall be adhered to by the Concessioner. The initial Operating Plan is attached hereto as Exhibit "G" and hereby made a part hereof. Modifications made to the initial Operating Plan by the Secretary shall not be inconsistent with the terms and conditions of the main body of this CONTRACT.

SEC. 3. PLANT, PERSONNEL AND RATES (a)(1) The Concessioner shall maintain and operate the facilities and services described above to such extent and in such manner as the Secretary may deem satisfactory, and shall provide the plant, personnel, equipment, goods, and commodities necessary therefor, provided that the Concessioner shall not be required to make investments inconsistent with a reasonable opportunity to realize a profit on its operations under this CONTRACT commensurate with the capital invested and the obligations assumed. The Concessioner agrees that the terms of this CONTRACT provide the Concessioner this reasonable opportunity to realize a profit.

(a)(2) All rates and prices charged to the public by the Concessioner for services or goods furnished or sold shall be subject to regulation and approval by the Secretary. Reasonableness of rates and prices will be judged generally by comparison with those currently charged for comparable services or goods furnished or sold outside of the areas administered by the National Park Service under similar conditions, with due allowance for length of season, provision for peak loads, accessibility, availability and cost of labor and materials, type of patronage, and other conditions customarily considered in determining charges, but due regard may also be given to such other factors as the Secretary may deem significant.

(a)(3) The Concessioner shall require its employees to observe a strict impartiality as to rates and services in all circumstances.

(b)(1) The Concessioner may be required to have its employees who come in direct contact with the public, so far as practicable, to wear a uniform or badge by which they may be known and distinguished as the employees of the Concessioner. The Concessioner shall require its employees to exercise courtesy and consideration in their relations with the public.

(b)(2) The Concessioner shall review the conduct of any of its employees whose action or activities are considered by the Concessioner or the Secretary to be inconsistent with the proper administration of the Area and enjoyment and protection of visitors and shall take such actions as are necessary to fully correct the situation.

(b)(3) The Concessioner shall, in addition to other laws and regulations which may be applicable to its operations, comply with applicable requirements of (i) Title VII of the Civil Rights Act of 1964, as well as Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, (ii) Title V, Sections 503 and 504 of the Rehabilitation Act of September 26, 1973, P.L. 93-112 as amended in 1978, (iii) 41 C.F.R. Part 60-2 which prescribes affirmative action requirements for contractors and subcontractors, (iv) the Age Discrimination in Employment Act of December 15, 1967 (P.L. 90-202), as amended by (P.L. 95-256) of April 6, 1978, and (v) the Architectural Barriers Act of 1968 (P.L. 90-480). The Concessioner also shall comply with regulations

heretofore or hereafter promulgated, relating to nondiscrimination in employment and providing accessible facilities and services to the public including those set forth in Exhibit "A" attached hereto and made a part hereof.

SEC. 4. GOVERNMENT LAND AND IMPROVEMENTS (a)(1) The Secretary hereby assigns for use by the Concessioner during the term of this CONTRACT, certain parcels of land, as described in Exhibit "B" hereto, and Government Improvements, as described in Exhibit "C" hereto, appropriate to conduct operations hereunder.

(a)(2) The Secretary reserves the right to withdraw such assignments or parts thereof at any time during the term of this CONTRACT if, in his judgement, (i) such withdrawal is for the purpose of enhancing or protecting area resources or visitor enjoyment or safety, or (ii) the operations utilizing such assigned lands or buildings are terminated pursuant to Section 12 hereof.

(a)(3) Any permanent withdrawal of assigned lands or Government Improvements which are essential for conducting the operation authorized hereunder will be considered by the Secretary as a termination of this CONTRACT pursuant to Section 12 hereof. The Secretary shall compensate the Concessioner for any Possessory Interest it may have in such properties permanently withdrawn pursuant to Section 13 hereof.

(b)(1) "Government Improvements" as used herein, means the buildings, structures, utility systems, fixtures, equipment, and other improvements affixed to or resting upon the lands assigned hereunder in such manner a to be part of the realty, constructed or acquired by the Secretary and assigned to the Concessioner by the Secretary for the purposes of this CONTRACT.

(b)(2) The Concessioner shall have a Possessory Interest to the extent provided elsewhere in this CONTRACT in capital improvements (as hereinafter defined) it makes to Government Improvements (excluding improvements made from funds from any Section 10 accounts) with the written permission of the Secretary. In the event that such Possessory Interest is acquired by the Secretary or a successor concessioner at any time, the Concessioner will be compensated for such Possessory Interest pursuant to Section 13 hereof.

(c) The Secretary shall have the right at any time to enter upon the lands and improvements utilized by the Concessioner hereunder for any purpose he may deem reasonably necessary for the administration of the Area.

(d) The Concessioner may construct or install upon assigned lands such buildings, structures, and other improvements as are necessary for operations hereunder, subject to the prior written approval by the Secretary of the location, plans, and specifications thereof. The Secretary may prescribe the form and contents of the application for such approval. The desirability of any project as well as the location, plans and specifications thereof will be reviewed in accordance with applicable provisions of the National Environmental Policy Act of 1969 and the National Historic Preservation Act of 1966, among other requirements.

(e) If, during the term of this CONTRACT, a Government Improvement requires capital improvement (major repairs and/or improvements that serve to prolong the life of the Government Improvement to an extent requiring capital investment for major repair), such capital improvements shall be made by the Concessioner at its

expense if consistent with a reasonable opportunity for the Concessioner to realize a profit as described above. Where capital improvements to other Government facilities which directly support the Concessioner's operations under this CONTRACT are determined by the Secretary to be necessary for the accommodation of Area visitors, such improvements shall be made by the Concessioner at its expense unless the Secretary determines that expenditures for such improvements are inconsistent with a reasonable opportunity for the Concessioner to realize a profit as described above.

SEC. 5. MAINTENANCE (a) Subject to Section 4(e) hereof, the Concessioner will physically maintain and repair all facilities (both Government Improvements and Concessioner Improvements) used in operations under this CONTRACT, including maintenance of assigned lands and all necessary housekeeping activities associated with such operations, to the satisfaction of the Secretary.

(b) In order to implement these requirements, the Secretary shall undertake appropriate inspections, and, in consultation with the Concessioner, establish and revise as circumstances warrant a Maintenance Plan consisting of specific maintenance requirements which shall be adhered to by the Concessioner. The initial Maintenance Plan is attached hereto as Exhibit "F" and hereby made a part hereof. Modifications made to the initial Maintenance Plan by the Secretary shall not be inconsistent with the terms and conditions of the main body of this CONTRACT.

SEC. 6. CONCESSIONER'S IMPROVEMENTS (a)(1) "Concessioner Improvements," as used herein, means buildings, structures, fixtures, equipment, and other improvements, affixed to or resting upon the lands assigned hereunder in such manner as to be a part of the realty, provided by the Concessioner for the purposes of this CONTRACT (excluding improvements made to Government Improvements and improvements made from funds in any Section 10 accounts), as follows: (i) such improvements upon the lands assigned at the date hereof as described in Exhibit "D" hereto; and (ii) all such improvements hereafter constructed upon or affixed to the lands assigned to the Concessioner with the written consent of the Secretary.

(a)(2) Concessioner Improvements do not include any interest in the land upon which the improvements are located.

(a)(3) Any salvage resulting from the authorized removal, severance or demolition of a Concessioner Improvement or any part thereof shall be the property of the Concessioner.

(a)(4) In the event that a Concessioner Improvement is removed, abandoned, demolished, or substantially destroyed and no other improvement is constructed on the site, the Concessioner, at its expense, shall promptly, upon the request of the Secretary, restore the site as nearly as practicable to its original condition.

(b)(1) The Concessioner shall have a Possessory Interest, as defined herein, in Concessioner Improvements to the extent provided by this CONTRACT.

(b)(2) Possessory Interest in Concessioner Improvements or Government Improvements shall not be extinguished by the expiration or other termination of

this CONTRACT, and may not be terminated or taken for public use without just compensation as determined in accordance with Section 13. Performance of the obligations assumed by the Secretary under Section 13 hereof shall constitute just compensation with respect to the taking of Possessory Interest.

(c)(1) Possessory Interest, as the term is used in this CONTRACT, shall consist of all incidents of ownership in capital improvements made by the Concessioner after the effective date of this Contract with the written approval of the Secretary, except legal title which shall be vested in the United States and subject to other limitations as set forth in this CONTRACT. Particularly, among other matters, the existence of Possessory Interest shall not be construed to include or imply any authority, privilege, or right to operate or engage in any business or other activity, and the use or enjoyment of any structure, fixture or improvement in which the Concessioner has a Possessory Interest shall be wholly subject to the applicable provisions of this CONTRACT and to the laws and regulations relating to the Area.

SEC. 7. UTILITIES (a) The Secretary may furnish utilities to the Concessioner for use in connection with the operations authorized under this CONTRACT when available at reasonable rates to be fixed by the Secretary in his discretion. Such rates which shall at least equal the actual cost of providing the utility or service unless a reduced rate is provided for in an established policy of the Secretary in effect at the time of billing.

(b) Should the Secretary not provide such utilities, the Concessioner shall, with the written approval of the Secretary and under such requirements as the Secretary shall prescribe, secure necessary utilities at its own expense from sources outside the Area or shall install the same within the Area with the written permission of the Secretary, subject to the following conditions:

(i) Any water rights deemed necessary by the Concessioner for use of water on Federal lands shall be acquired at its expense in accordance with applicable State procedures and law. Such water rights, upon expiration or termination of this CONTRACT for any reason shall be assigned to and become the property of the United States without compensation;

(ii) Any utility service provided by the Concessioner under this Section shall, if requested by the Secretary, be furnished to the Secretary to such extent as will not unreasonably restrict anticipated use by the Concessioner. The rate per unit charged the Secretary for such service shall be approximately the average cost per unit of providing such service; and

(iii) All appliances and machinery to be used in connection with the privileges granted in this Section, as well as the plans for location and installation of such appliances and machinery, shall first be approved by the Secretary.

SEC. 8. ACCOUNTING RECORDS AND REPORTS (a) The Concessioner shall maintain an accounting system whereby its accounts can be readily identified with its system of accounts classification. The Concessioner shall submit annually as soon as possible but not later than sixty (60) days after the 31st day of December a financial statement for the preceding year or portion of a year as prescribed by the Secretary, and such other reports and data, including, but not limited to, operations information, as may be required by the Secretary. Such

information is subject to public release to the extent authorized by law or established policies and procedures of the Secretary. The Concessioner's system of accounts classification shall be directly related to the Concessioner Annual Report Form issued by the Secretary. If the annual gross receipts of the Concessioner are in excess of $1,000,000, the financial statements shall be audited by an independent certified public accountant or by an independent licensed public accountant certified or licensed by a regulatory authority of a State or other political subdivision of the United States on or before December 31, 1970, in accordance with the auditing standards and procedures promulgated by the American Institute of Certified Public Accountants. If annual gross receipts are between $250,000, and $1,000,000, the financial statements shall be reviewed by an independent certified public accountant or by a licensed public accountant certified or licensed by a regulatory authority of a State or other political subdivision of the United States on or before December 31, 1970, in accordance with the auditing standards and procedures promulgated by the American Institute of Certified Public Accountants. If annual gross receipts are less than $250,000, the financial statements may be prepared without involvement by an independent certified or licensed public accountant, unless otherwise directed by the Secretary.

If the Concessioner is required to have its annual financial statement (Concessioner Annual Financial Report) audited or reviewed, the Concessioner must use the accrual accounting method. In addition, it must include in its annual financial statement (Concessioner Annual Financial Report) a footnote that reconciles its annual financial statement to its Federal income tax returns.

(b) The Secretary and Comptroller General of the United States, or any of their duly authorized representatives, shall at any time up until the expiration of five (5) calendar years after the expiration of this Contract, have access to and the right to examine any of the Concessioner's pertinent books, documents, papers, and records, including Federal and State income tax returns (collectively "documents"), and such documents of any subconcessioner related to this Contract, and, such documents of any proprietary or affiliate companies of the Concessioner.

SEC. 9. FEES For the term of this CONTRACT, the Concessioner shall pay to the Secretary for the privileges granted herein, fees as follows:

(a)(1) An annual fee for the use of Government Improvements assigned to the Concessioner, as identified in Exhibit "C" hereto. This fee may be adjusted annually by the Secretary to equal the fair annual value of the related Government Improvement as determined by the Secretary.

(a)(2) In addition to the foregoing, a franchise fee equal to one and one-half PERCENT (1½%) of the Concessioner's gross receipts, as herein defined, for the preceding year or portion of a year.

(b) The franchise fee shall be due on a monthly basis at the end of each month and shall be paid by the Concessioner in such a manner that payment shall be received by the Secretary within 15 days after the last day of each month that the Concessioner operates. Such monthly payment shall include the annual use fee for assigned Government Improvements, as set forth in Exhibit "C" hereto, divided by the expected number of operating months, as well as the specified percentage of gross receipts for the preceding month. The payment of any additional amounts

due at the end of the operating year as a result of adjustments shall be paid at the time of submission of the Concessioner's annual financial statement. Overpayments shall be offset against the following year's franchise fees due. All franchise fee payments consisting of $10,000 or more, shall be deposited electronically by the Concessioner using the Treasury Financial Communications System.

(c) An interest charge will be assessed on overdue amounts for each 30-day period, or portion thereof, that payment is delayed beyond the 15-day period provided for above. The percent of interest charged will be based on the current value of funds to the United States Treasury.

(d)(1) The term "gross receipts" as used in this CONTRACT shall be mean the total amount received or realized by, or accruing to, the Concessioner from all sales for cash or credit, of services, accommodations, materials, and other merchandise made pursuant to the rights granted by this CONTRACT, including gross receipts of subconcessioners as herein defined and commissions earned on contracts or agreements with other persons or companies operating in the Area, and excluding gross receipts from intracompany earnings on account of charges to other departments of the operation (such as laundry), charges for employees' meals, lodgings, and transportation, cash discounts on purchases, cash discounts on sales, returned sales and allowances, interest on money loaned or in bank accounts, income from investments, income from subsidiary companies outside of the Area, sale of property other than that purchased in the regular course of business for the purpose of resale, and sales and excise taxes that are added as separate charges to approved sales prices, gasoline taxes, fishing license fees, and postage stamps, provided that the amount excluded shall not exceed the amount actually due or paid government agencies and amounts received as a result of an add-on to recover utility costs above comparable utility charges. All monies paid into coin operated devices, except telephones, whether provided by; the Concessioner or by others, shall be included in gross receipts. However, only revenues actually received by the Concessioner from coin-operated telephones shall be included in gross receipts.

(d)(2) The term "gross receipts of subconcessioners" as used in this CONTRACT shall mean the total amount received or realized by, or accruing to, subconcessioners from all sources, as a result of the exercise of the rights conferred by subconcession contracts hereunder without allowances, exclusions or deductions of any kind or nature whatsoever and the subconcessioner shall report the full amount of all such receipts to the Concessioner within 45 days after the 31st day of December each year or portion of a year. Subconcessioners shall maintain an accurate and complete record of all items listed in Subsection (d)(1) of this Section as exclusions from the Concessioner's gross receipts and shall report the same to the Concessioner with the gross receipts. The Concessioner shall be entitled to exclude items listed in Subsection (d)(1) in computing the franchise fee payable to the Secretary as provided for in Subsection (a) hereof.

SEC. 10. ACCOUNTS No Government Improvement or Capital Improvement Accounts are included in this CONTRACT.

SEC. 11. BOND AND LIEN The Secretary may, in his discretion, require the Concessioner to furnish a surety bond acceptable to the Secretary conditioned upon faithful performance of this CONTRACT, in such form and in such amount as

the Secretary may deem adequate, not in excess of Five Thousand DOLLARS ($5,000). As additional security for the faithful performance by the Concessioner of all of its obligations under this CONTRACT, and the payment to the Government of all damages or claims that may result from the Concessioner's failure to observe such obligations, the Government shall have at all times the first lien on all assets Of the Concessioner within the Area.

SEC. 12. TERMINATION (a)(1) The Secretary may terminate this CONTRACT in whole or part for default at any time and may terminate this CONTRACT in whole or part when necessary for the purpose of enhancing or protecting Area resources or visitor enjoyment or safety.

(a)(2) Operations under this CONTRACT may be suspended in whole or in part at the discretion of the Secretary when necessary to enhance or protect Area resources or visitor enjoyment or safety.

(a)(3) Termination or suspension shall be by written notice to the Concessioner and, in the event of proposed termination for default, the Secretary shall give the Concessioner a reasonable period of time to correct stated deficiencies.

(a)(4) Termination for default may be utilized in circumstances where the Concessioner has breached any requirement of this CONTRACT, including, but not limited to, failure to maintain and operate facilities and services to the satisfaction of the Secretary in accordance with the Secretary's requirements hereunder.

(b) In the event of termination or expiration of this CONTRACT, the total compensation to the Concessioner for such termination or upon expiration shall be as described in Section 13 ("Compensation") of this CONTRACT.

(c) In the event it is deemed by the Secretary necessary to suspend operations under this CONTRACT in whole or in part to enhance or protect Area resources or visitor enjoyment or safety, the Secretary shall not be liable for any compensation to the Concessioner for losses occasioned thereby, including but not limited to, lost income, profit, wages, or other monies which may be claimed.

(d) To avoid interruption of services to the public upon the expiration or termination of this CONTRACT for any reason, the Concessioner, upon the request of the Secretary, shall (i) continue to conduct all operations hereunder for a reasonable period of time to allow the Secretary to select a successor concessioner, or (ii) consent to the use by a temporary operator, designated by the Secretary, of Concessioner Improvements and personal property, if any, not including current or intangible assets, used in operations hereunder upon fair terms and conditions, provided that the Concessioner shall be entitled to an annual fee for the use of such improvements and personal property, prorated for the period of use, in the amount of the annual depreciation of such improvements and personal property, plus a return on the book value of such improvements and personal property equal to the prime lending rate, effective on the date the temporary operator assumes managerial and operational responsibilities, as published by the Federal Reserve System Board of Governors or as agreed upon by the parties involved. In such circumstances, the method of depreciation applied

shall be either straight line depreciation or depreciation as shown on the Concessioner's Federal income tax return.

SEC. 13. COMPENSATION (a) Just Compensation: The compensation described in this Section shall constitute full and just compensation to the Concessioner from the Secretary for all losses and claims occasioned by the circumstances described below.

(b) Contract expiration or termination where operations are to be continued: (b)(1) If, for any reason, including CONTRACT expiration or termination as described herein, the Concessioner shall cease to be required by the Secretary to conduct operations hereunder, or substantial part thereof, and, at the time of such event the Secretary intends for substantially the same or similar operations to be continued by a successor, whether a private person, corporation or an agency of the Government; (i) the Concessioner shall sell and transfer to the successor designated by the Secretary its Possessory Interest in Concessioner Improvements and Government Improvements, if any, as defined under this CONTRACT, and all other tangible property of the Concessioner used or held for use within the Area in connection with such operations; and, (ii) the Secretary will require such successor to purchase from the Concessioner such Possessory Interest, if any, and such other property, and to pay the Concessioner the fair value thereof.

(b)(2) The fair value of any possessory interest in Concessioner Improvements shall be deemed to be the sound value of the improvement to which it relates at the time of transfer of such possessory interest, without regard to the term or other benefits of the contract. The sound value shall be determined upon the basis of reconstruction cost less depreciation evidenced by its conditions and prospective serviceability in comparison with a new unit of like kind, but not to exceed fair market value. The fair value of possessory interest in Government improvements shall be book value. The initial fair value of Possessory Interest in Concessioner Improvements and Government Improvements on the effective date of this contract is -0-.

(b)(3) The fair value of merchandise and supplies shall be actual cost including transportation.

(b)(4) The fair value of equipment shall be its book value.

(c) Contract expiration or termination where operations are to be discontinued: If for any reason, including CONTRACT expiration or termination as described herein, the Concessioner shall cease to be required by the Secretary to conduct operations hereunder, or substantial part thereof, and the Secretary at the time chooses to discontinue such operations, or substantial part thereof, within the Area, and/or to abandon, remove, or demolish any Concessioner Improvements, if any, then the Secretary will take such action as may be necessary to assure the Concessioner of compensation for (i) its Possessory Interest in Concessioner Improvements and Government Improvements, if any, in the applicable amount as set forth in Section 13(b) hereof; (ii) the cost to the Concessioner of restoring any assigned lands to a natural condition, including removal and demolition, (less salvage) if required by the Secretary; and (iii) the cost of transporting to a reasonable market for sale such movable property of the Concessioner as may be made useless by such determination. Any such property that has not been removed by the Concessioner within a reasonable time following such determination shall become the property of the United States without further compensation therefor.

(d) Contract Termination for Default for Unsatisfactory Performance. Notwithstanding any other provision of this CONTRACT to the contrary, in the event of termination of this CONTRACT for default for failure to maintain and operate accommodations, facilities and services hereunder to the satisfaction of the Secretary in accordance with the Secretary's requirements, compensation for Possessory Interest in Concessioner Improvements, if any, except for Possessory Interest in Concessioner Improvements in existence before the effective date of this CONTRACT, shall be as set forth in Section 13(b) hereof or at book value, whichever is less.

SEC. 14. ASSIGNMENT, SALE OR ENCUMBRANCE OF INTERESTS (a) Pursuant to this Section and 36 C.F.R. Part 51, the Concessioner and/or any person or entity which owns a controlling interest (as is or as may be defined in 36 C.F.R. Part 51) in a Concessioner's ownership, (collectively defined as the "Concessioner" for the purposes of this Section) shall not assign or otherwise sell or transfer responsibilities under this CONTRACT or concession operations hereunder, or the Concessioner's assets in the concession operation, nor sell or otherwise assign, transfer or encumber (including, without limitation, mergers, consolidations, reorganizations, other business combinations, mortgages, liens or collateral) a controlling interest in such operations, this CONTRACT, or a controlling interest in the Concessioner's ownership or assets (as is or as may be defined in 36 C.F.R. Part 51), without the prior written approval of the Secretary.

(a)(2) Such approval is not a matter of right and is further subject to the requirements of 36 C.F.R. Part 51 (as are or as may be set forth therein). The Secretary will exercise his discretion as to whether and/or under what conditions a proposed transaction will be approved in accordance with established policies and procedures.

(a)(3) Failure to comply with this provision or the procedures described herein shall constitute a material breach of this CONTRACT for which this CONTRACT may be terminated immediately by the Secretary without regard to the procedures for termination for default described in Section 12 hereof, and, the Secretary shall not be obliged to recognize any right of any person or entity to an interest in this CONTRACT or to own or operate operations hereunder acquired in violation hereof.

(b) The Concessioner shall advise the person(s) or entity proposing to enter into a transaction which is subject to this Section that the Secretary shall be notified and that the proposed transaction is subject to review and approval by the Secretary. The Concessioner shall request in writing the Secretary's approval of the proposed transaction prior to consummation and shall promptly provide the Secretary all relevant documents related to the transaction, and the names and qualifications of the person(s) or entity involved in the proposed transaction. The relevant documents shall be as described in 36 C.F.R. Part 51 but shall also include other documents as the Secretary may require.

(c) The Concessioner may not enter into any agreement with any entity or person except employees of the Concessioner to exercise substantial management responsibilities for operations hereunder or any part hereof without the written approval of the Secretary given at least thirty (30) days in advance of such transaction.

(d) No mortgage shall be executed, and no bonds, shares of stock or other evidence of interest in, or indebtedness upon, the rights and/or properties of the Concessioner, including this CONTRACT, in the Area, shall be issued without prior written approval of the Secretary. Approval of such encumbrances shall be granted only for the purposes of installing, enlarging or improving, plant equipment and facilities, provided that, such rights and/or properties, including possessory interests, or evidences of interests therein, in addition, may be encumbered for the purposes of purchasing existing concession plant, equipment and facilities. In the event of default on such a mortgage, encumbrance, or such other indebtedness, or of other assignment, transfer, or encumbrance, the creditor or any assignee thereof, shall succeed to the interest of the Concessioner in such rights and/or properties but shall not thereby acquire operating rights or privileges which shall be subject to the disposition of the Secretary.

SEC. 15. APPROVAL OF SUBCONCESSION CONTRACTS All contracts and agreements (other than those subject to approval pursuant to Section 14 hereof) proposed to be entered into by the Concessioner with respect to the exercise by others of the privileges granted by this CONTRACT in whole or part shall be considered as subconcession contracts and shall be submitted in advance of execution to the Secretary for his approval and shall be effective only if approved. However, agreements with others to provide vending or other coin-operated machines shall not be considered as subconcession contracts. In the event any such subconcession contract or agreement is approved the Concessioner shall pay to the Secretary within sixty (60) days after the 31st day of December each year or portion of a year a sum equal to FIFTY PERCENT (50%) of any and all fees, commissions or compensation payable to the Concessioner thereunder, which shall be in addition to the franchise fee payable to the Secretary on the gross receipts of subconcessioners as provided for in Section 9 of this contract.

SEC. 16. INSURANCE AND INDEMNITY (a)(1) General. The Concessioner shall save, hold harmless, defend and indemnify the United States of America, its agents and employees for losses, damages or judgments and expenses on account of fire or other peril, bodily injury, death or property damage, or claims for bodily injury, death or property damage of any nature whatsoever, and by whomsoever made, arising out of the activities of the Concessioner, his employees, subcontractors or agents under this CONTRACT.

(a)(2) The types and amounts of insurance coverage purchased by the Concessioner shall be approved by the Secretary.

(a)(3) At the request of the Secretary, the Concessioner shall annually, or at the time insurance is purchased, provide the Secretary with a Statement of Concessioner Insurance and Certificate of Insurance as evidence of compliance with this section and shall provide the Secretary thirty (30) days advance written notice of any material change in the Concessioner's insurance program hereunder.

(a)(4) The Secretary will not be responsible for any omissions or inadequacies of insurance coverages and amounts in the event the insurance purchased by the Concessioner proves to be inadequate or otherwise insufficient for any reason whatsoever.

(b) Property Insurance. (b)(1) The Concessioner will, in the event of damage

or destruction, repair or replace those buildings, structures, equipment, furnishings, betterments and improvements and merchandise determined by the Secretary to be necessary to satisfactorily discharge the Concessioner's obligations under this CONTRACT and for this purpose shall provide fire and extended insurance coverage on both Concessioner Improvements and Government Improvements in such amounts as the Secretary may require during the term of the CONTRACT. Those values currently in effect are set forth in Exhibit "E" to this CONTRACT. This exhibit will be revised if there is a substantial increase in value.

(b)(2) Such insurance shall provide for the Concessioner and the United States of America to be named insured as their interests may appear. In the event of loss, the Concessioner shall use all proceeds of such insurance to repair, rebuild, restore or replace Concessioner Improvements and Government Improvements, equipment, furnishings and other personal property hereunder, as directed by the Secretary. The lien provision of Section 11 shall apply to such insurance proceeds.

(c) Additional Property Damage Requirements - Government Improvements, Property and Equipment. The following additional requirements shall apply to structures all or any part of which are Government Improvements as defined in this CONTRACT.

(c)(1) The insurance policy shall contain a loss payable clause approved by the Secretary which requires insurance proceeds to be paid directly to the Concessioner without requiring endorsement by the United States.

(c)(2) The use of insurance proceeds for repair or replacement of Government Improvements will not alter their character as Government Improvements and, notwithstanding any provision of this CONTRACT to the contrary, the Concessioner shall gain no Possessory Interest therein.

(d). Public Liability. (d)(1) The Concessioner shall provide Comprehensive General (liability insurance against claims occasioned by actions or omissions of the Concessioner in carrying out the activities and operation authorized hereunder.

(d)(2) Such insurance shall be in the amount commensurate with the degree of risk and the scope and size of such activities authorized herein, but in any event, the limits of liability shall not be less than $300,000 per occurrence covering both bodily injury and property damage. If claims reduce available insurance below the required per occurrence limits, the Concessioner shall obtain additional insurance to restore the required limits. An umbrella or excess liability policy, in addition to a Comprehensive General Liability Policy, may be used to achieve the required limits.

(d)(3) From time to time, as conditions in the insurance industry warrant, the Secretary reserves the right to revise the minimum required limits.

(d)(4) All liability policies shall specify that the insurance company shall have no right of subrogation against the United States of America or shall provide that the United States of America is named an additional insured.

(d)(5) The Concessioner shall also obtain the following additional coverages at the same limits as required for Comprehensive General Liability insurance unless other limits are specified below:

(1) Product Liability - Amount ($300,000)
(2) Liquor Legal Liability - Amount ($300,000)
(3) Protection and Indemnity (Watercraft Liability) - Amount (none)
(4) Automobile Liability - To cover all owned, non-owned, and hired vehicles - Amount ($300,000)
(5) Garage Liability - Amount (none)
(6) Workers' Compensation
(7) Aircraft Liability - Amount (none)
(8) Fire Damage Legal Liability - Amount (none)
(9) Other

SEC. 17. PROCUREMENT OF GOODS, EQUIPMENT AND SERVICES In computing net profits for any purposes of this CONTRACT, the Concessioner agrees that its accounts will be kept in such manner that there will be no diversion or concealment of profits in the operations authorized hereunder by means of arrangements for the procurement of equipment, merchandise, supplies or services from sources controlled by or under common ownership with the Concessioner or by any other device.

SEC. 18. GENERAL PROVISIONS (a) Reference in this CONTRACT to the "Secretary" shall mean the Secretary of the Interior, and the term shall include his duly authorized representatives.

(b) The Concessioner is not entitled to be awarded or to have negotiating rights to any Federal procurement or service contract by virtue of any provision of this CONTRACT.

(c) Notwithstanding any other provision hereof, the Secretary reserves the right to provide directly or through cooperative or other non-concession agreements with non-profit organizations, any accommodations, facilities or services to Area visitors which are part of and appropriate to the Area's interpretive program.

(d) That any and all taxes which may be lawfully imposed by any State or its political subdivisions upon the property or business of the Concessioner shall be paid promptly by the Concessioner.

(e) No member of, or delegate to, Congress or Resident Commissioner shall be admitted to any share or part of this CONTRACT or to any benefit that may arise herefrom but this restriction shall not be construed to extend to this CONTRACT if made with a corporation or company for its general benefit.

(f) This CONTRACT may not be extended, renewed or amended in any respect except when agreed to in writing by the Secretary and the Concessioner.

IN WITNESS WHEREOF, the parties hereto have hereunder subscribed their names and affixed their seals.

Dated at Atlanta, Georgia, this 13th day of October 1998.

AVON-THORNTON LIMITED PARTNERSHIP

BY _____

Title President

Witness:
BY Julie B Blanchard

UNITED STATES OF AMERICA

BY _____

for Regional Director
Southeast Region
National Park Service

***** CAPE HATTERAS NATIONAL SEASHORE *****
****** Southeast Region - National Park Service ******

EXHIBIT "A"

NONDISCRIMINATION

SECTION I

REQUIREMENTS RELATING TO EMPLOYMENT AND SERVICE TO THE PUBLIC

A. EMPLOYMENT: During the performance of this concession permit the Concessioner agrees as follows:

(1) The Concessioner will not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, national origin, or disabling condition. The Concessioner will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, age, national origin, or disabling condition. Such action shall include, but not be limited to, the following: Employment upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Concessioner agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Secretary setting forth the provision of this nondiscrimination clause.

(2) The Concessioner will, in all solicitations or advertisements for employees placed by on behalf of the Concessioner, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, age, national origin, or disabling condition.

(3) The Concessioner will send to each labor union or representative of workers with which the Concessioner has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Secretary, advising the labor union or workers' representative of the Concessioner's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) Within 120 days of the commencement of a contract every Government contractor or subcontractor holding a contract that generates gross receipts which exceed $50,000 and having 50 or more employees shall prepare and maintain an affirmative action program at each establishment which shall set forth the contractor's policies, practices, and procedures in accordance with the affirmative action program requirement.

(5) The Concessioner will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(6) The Concessioner will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to the Concessioner's books, records, and accounts by the Secretary of the Interior and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(7) In the event of the Concessioner's noncompliance with the nondiscrimination clauses of this concession permit or with any of such rules, regulations, or orders, this concession permit may be canceled, terminated or suspended in whole or in part and the Concessioner may be declared ineligible for further Government concession permits in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(8) The Concessioner will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, so that such provisions will be binding upon each subcontractor or vendor. The Concessioner will take such action with respect to any subcontract or purchase order as the Secretary may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event the Concessioner becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Secretary, the Concessioner may request the United States to enter into such litigation to protect the interests of the United States.

B. CONSTRUCTION, REPAIR, AND SIMILAR CONTRACTS: The preceding provisions A(1) through A(8) governing performance of work under this contract, as set out in Section 202 of Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, shall be applicable to this permit, and shall be included in all contracts executed by the Concessioner for the performance of construction, repair, and similar work contemplated by this permit, and for that purpose the term "permit" shall be deemed to refer to this instrument and to contracts awarded by the Concessioner and the term "Concessioner" shall be deemed to refer to the Concessioner and to contractors awarded contacts by the Concessioner.

C. FACILITIES: (1) Definitions: As used herein: (i) Concessioner shall mean the Concessioner and its employees, agents, lessees, sublessee, and contractors, and the successors in interest of the Concessioner; (ii) facility shall mean any and all services, facilities, privileges, accommodations, or activities available to the general public and permitted by this agreement.

(2) The Concessioner is prohibited from: (i) publicizing facilities operated hereunder in any manner that would directly or inferentially reflect upon or question the acceptability of any person because of race, color, religion, sex, age, national origin, or disabling condition; (ii) discriminating by segregation or other means against any person because of

race, color, religion, sex, age, national origin, or disabling condition in furnishing or refusing to furnish such person the use of any such facility.

(3) The Concessioner shall post a notice in accordance with Federal regulations to inform the public of the provisions of this subsection, at such locations as will ensure that the notice and its contents will be conspicuous to any person seeking accommodations, facilities, services, or privileges. Such notice will be furnished the Concessioner by the Secretary.

(4) The Concessioner shall require provisions identical to those stated in subsection C herein to be incorporated in all of the Concessioner's contracts or other forms of agreement for use of land made in pursuance of this agreement.

SECTION II

ACCESSIBILITY

Title V, Section 504, of the Rehabilitation Act of 1973, as amended in 1978, requires that action be taken to assure that any "program" or "service" being provided to the general public be provided to the highest extent reasonably possible to individuals who are mobility impaired, hearing impaired, and visually impaired. It does not require architectural access to every building or facility, but only that the service or program can be provided somewhere in an accessible location. It also allows for a wide range of methods and techniques for achieving the intent of the law, and calls for consultation with disabled persons in determining what is reasonable and feasible.

No handicapped person shall, because a Concessioner's facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance or conducted by any Executive agency or by the U.S. Postal Service.

PART A

DISCRIMINATION PROHIBITED

A Concessioner, in providing any aid, benefit, or service, may not directly or through contractual, licensing, or other arrangements, on the basis of handicap:

1. Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service;

2. Afford a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

3. Provide a qualified handicapped person with an aid, benefit, or service that is not as effective as that provided to others;

4. Provide different or separate aids, benefits, or services to handicapped persons or to any class of handicapped persons unless such action is necessary to provide qualified handicapped persons with aid, benefits, or services that are as effective as those provided to others;

5. Aid or perpetuate discrimination against a qualified handicapped person by providing significant assistance to an agency, organization, or person that discriminates on the basis of handicap in providing any aid, benefit, or service to beneficiaries of the recipient's program;

6. Deny a qualified handicapped person the opportunity to participate as a member of planning or advisory boards; or

7. Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service.

PART B

EXISTING FACILITIES

A Concessioner shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by handicapped persons. This paragraph does not require a Concessioner to make each of its existing facilities or every part of a facility accessible to and usable by handicapped persons.

EXHIBIT "B"

LAND ASSIGNED TO
AVON-THORNTON LIMITED PARTNERSHIP
pursuant to Sec. 4(a)(1)

AVON-THORNTON LIMITED PARTNERSHIP

BY _____

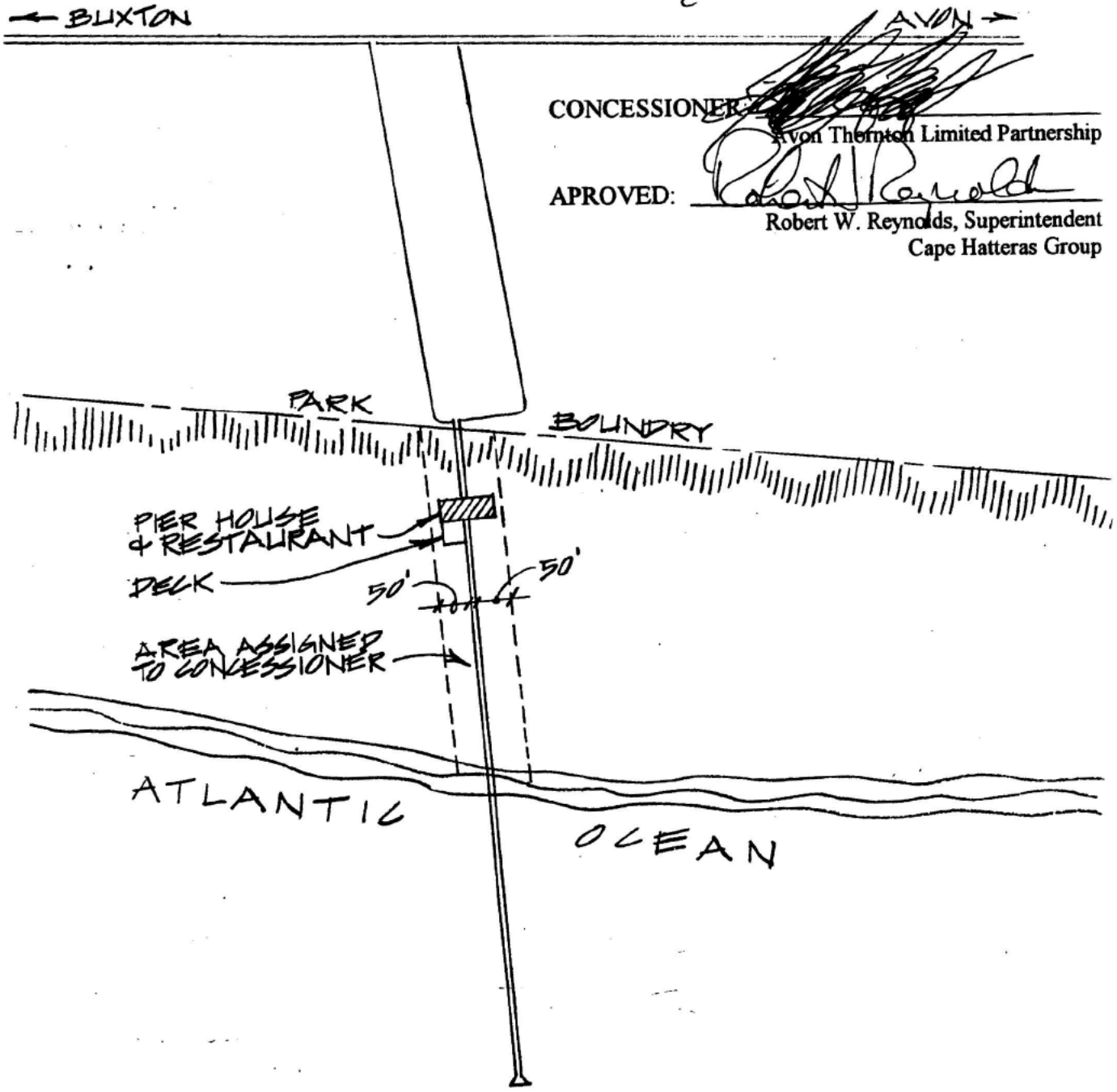
Date 17 June 1998

UNITED STATES OF AMERICA

BY _____

***** CAPE HATTERAS NATIONAL SEASHORE *****
****** Southeast Region - National Park Service ******

17 June 1998



CONCESSIONER: _____
Avon Thornton Limited Partnership

APROVED: _____
Robert W. Reynolds, Superintendent
Cape Hatteras Group

CAPE HATTERAS
NATIONAL SEASHORE
AVON FISHING PIER

N

SCALE: ±1" = 250'

EXHIBIT "C"

**GOVERNMENT IMPROVEMENTS ASSIGNED
AVON-THORNTON LIMITED PARTNERSHIP
pursuant to Sec. 4(a)(1)**

BUILDING NO.	DESCRIPTION	ANNUAL FEE
---	Fishing Pier and Pier House	None

Total Amount Due: None

AVON-THORNTON LIMITED PARTNERSHIP

BY _____

Date 17 June 1998

UNITED STATES OF AMERICA

BY _____

***** CAPE HATTERAS NATIONAL SEASHORE *****
****** Southeast Region - National Park Service ******

EXHIBIT "D"

CONCESSIONER IMPROVEMENTS
AVON-THORNTON LIMITED PARTNERSHIP
PURSUANT TO Sec. 6(a)(1)

BUILDING NO.	DESCRIPTION
--	NONE

AVON-THORNTON LIMITED PARTNERSHIP

BY _____

Date 17 June 1998

UNITED STATES OF AMERICA

BY _____

*** CAPE HATTERAS NATIONAL SEASHORE ***
**** Southeast Region - National Park Service ****

EXHIBIT "E"

INSURANCE REPLACEMENT FOR FACILITIES
AVON-THORNTON LIMITED PARTNERSHIP
pursuant to Sec. 16(b)(1)

I. GOVERNMENT-OWNED BUILDINGS AND STRUCTURES:

BUILDING NO.	DESCRIPTION	VALUE
--	Fishing Pier and Pier House	NONE*

(*Note: If the fishing pier and/or pier house is damaged or destroyed, the National Park Service has no intention to replace or repair these structures, nor require the Concessioner to do so; therefore, no insurance coverage will be required for repair or replacement of the fishing pier or the pier house.)

II. CONCESSIONER IMPROVMENTS

BUILDING NO.	DESCRIPTION	VALUE
--	NONE	NONE

(Values are for the sole purpose of assuring property insurance coverage and shall not be construed as having application for any other purpose.)

AVON-THORNTON LIMITED PARTNERSHIP

BY _____

Date 12 June 1998

UNITED STATES OF AMERICA

BY _____

*** CAPE HATTERAS NATIONAL SEASHORE ***
**** Southeast Region - National Park Service ****

Contract NO.
CC-CAHA001-98

Exhibit "F"

OPERATING PLAN
AVON THORNTON LIMITED PARTNERSHIP (Avon Pier)
CAPE HATTERAS NATIONAL SEASHORE

INTRODUCTION

This plan is a supplement to contract number CC-CAHA-001-98 and will outline in detail the operating requirements to be applied in providing an ocean fishing pier, a merchandise outlet selling fishing equipment and related items, refreshments including alcoholic beverages (beer), and a prepackaged snacks. All applicable requirements of the US Public Health Food Code shall be met.

DEFINITION OF TERMS

The term "Concessioner" shall refer to Avon Thornton Limited Partnership, and duly authorized representative in most cases will be the "Manager." The term "park" shall refer to Cape Hatteras National Seashore. The term "Service" shall refer to the National Park Service, and the term "Secretary" shall refer to the Secretary of the Interior and his duly authorized representative, who is the Superintendent of Cape Hatteras National Seashore. The term "Superintendent" shall refer to the Superintendent, Cape Hatteras National Seashore, and his duly authorized representative.

PURPOSE OF PLAN

The purpose of the plan is to define responsibilities and duties of the Concessioner as required under the contract and to insure that highest quality services are offered to the public. The plan does not supersede, nor conflict with, contractual requirements. It shall be reviewed and updated annually by the Superintendent prior to the opening season.

GENERAL REQUIREMENTS

A. All advertising on site must be approved by the Superintendent. Billboard advertising on site is prohibited. Any advertising done off premises shall be approved first by the Superintendent. This includes brochures, public broadcasting, newspaper articles, etc. All advertisements for employment must end with the notation, "equal employment opportunity employer."

B. Concessioner shall meet all OSHA requirements and standards. The attached number III-C-1, NPS-50 loss/control management guide-lines, Chapter 18, must be met also.

C. The attached land assignment designates the area of responsibility for the Concessioner. All maintenance and upkeep within this area shall be handled in accordance with the attached Maintenance Agreement.

D. The Concessioner will provide security patrols of assigned property throughout the year. Concession employees will call a park ranger or 911, if a law enforcement problem occurs or when requested by a visitor.

E. The Concessioner shall provide and maintain all fire extinguishers within the area assigned and will train staff to operate the equipment.

F. The National Park Service will respond as quickly as possible to emergencies involving public safety, civil disturbances and violations of the law when observed, or when called by Concessioner. Concessioner will take care of minor first aid injuries and will control law and order to the extent possible.

G. The Concessioner shall be responsible for keeping employees up to date on activities occurring in the park. Employees shall be informed of the relationship between Concessioner and the park. The park shall provide the Concessioner with current information on park activities and shall provide cross training when the opportunity arises.

H. The Concessioner shall open approximately March 28 and close around December 13. However, if visitor use demands, facility may be open year-round. Notices will be posted, and the Superintendent will be notified of opening and closing dates.

I. The minimum hours of operation shall be 8 a.m. to 6 p.m. depending on demand and run of fish. Hours may be extended for a 24-hour period, if fishing is extremely good. However, the fish house must be manned at all times when fishing is allowed on the pier.

J. The Concessioner shall maintain a high standard of merchandise in accordance with requirements of the contract, and display shall be kept in a neat and orderly manner. The Superintendent and/or his representative will monitor items being sold throughout the season.

K. All rates shall be approved by the Superintendent. Before a price can be increased above that on the approved schedule, Concessioner must send in a request for increase at least two weeks prior to the date the increase is needed.

L. Any lost and found articles not solved at the concession facility should be turned over to a park employee for processing. The park shall provide the Concessioner with lost and found reports (form 10-166).

M. The concessioner shall notify the park of any complaints received, and the park shall do likewise.

N. The concessioner shall not discriminate against any individual because of race, creed, color, sex, age, national origin, or physical or mental handicap. This information must be included in any announcement requesting applications for employment. Equal opportunity posters shall be provided by the Service and posted by Concessioner where visible to the public.

O. The concessioner must furnish the Service with a copy of their current certificate of insurance upon expiration each year.

P. The Superintendent shall perform evaluations of the concession operation and safety program in accordance with requirements of NPS-48. A pre-opening evaluation shall be performed prior to opening for main summer season, and three other evaluations will be held throughout the year by NPS.

Q. The concessioner shall obtain approval of the Superintendent prior to any improvements being made to the facility.

R. Concession employees shall wear some type of uniform or name tag that identifies them as employees.

Robert W. Reynolds, Superintendent
Cape Hatteras National Seashore

7/22/98
Date

Avon Thornton Limited Partnership
Thornton Development Corporation
General Partner
by J. Timothy Thornton, President

17 June 1998
Date

CONTRACT NO.
CC-CAHA001-98

Exhibit "G"

SUPPLEMENTARY MAINTENANCE AGREEMENT
CONCESSION CONTRACT NO. CC-CAHA001-98
AVON THORNTON LIMITED PARTNERSHIP
CAPE HATTERAS NATIONAL SEASHORE

Avon Thornton Limited Partnership, under Contract No. CC-CAHA001-98, hereby agrees to manage the concession in accord with the following maintenance conditions. The concessioner will be responsible for the area within the Land Assignment boundary unless specifically stated otherwise.

Accepted: 17 June 98 By: _____
Date
Avon Thornton Limited Partnership
Thornton Development Corporation General Partner
J. Timothy Thornton, President

Approved: 7/22/98 By: _____
(date)
Robert W. Reynolds, Superintendent
Cape Hatteras National Seashore

CLEANING OF AREA:

1. PIER - Daily, the fish cleaning area will be scrubbed to remove debris, fish scales, and other fish particles for elimination of flies, bad odor, and unsightliness. Also, all handrails and walkways will be washed to assure removal of dead fish, abandoned bait, debris, and trash.

2. PIER HOUSE - Daily, all debris, trash, and garbage will be removed. Floors will be swept and cleaned. All areas will be kept in a neat and presentable condition at all times.

3. GROUNDS - Daily, the parking area and all exterior land included in the approved land assignment will be cleaned by removal of trash, debris, and unsightly objects.

4. REST ROOMS - Daily, all rest rooms will receive an overall cleaning and periodic checks to insure proper sanitary conditions are met during the remainder of the day's operation.

MAINTENANCE STANDARDS FOR CONCESSION OWNED BUILDINGS:

1. DOORS, WINDOWS, AND OTHER OPENINGS
   a. Are clean and free of all dirt, grease, grime, and objectionable marks.

2. DRAINAGE (GUTTERS, DOWNSPOUTS, ROOF DRAINS, SUBSURFACE TILE, FLOOR DRAINS, ETC.)
   a. Are free of obstructions and all openings clear.
   b. Surfaces (paint, galvanized, etc.) are sound and prevent or retard deterioration.

3. ELECTRICAL (WIRING, LIGHT, ETC.)
   a. Wiring is in strict accordance with National Electrical Codes.
   b. Electrical fixtures contain proper sized elements (wattage).
   c. Lamps and appliances are operating properly, and no disturbing sounds are emitted.
   d. Fixtures are clean and sound.

4. FLOORS
   a. Are structurally sound with no signs of displacement and deflection.
   b. Coverings are free of objectionable deterioration, evidence of vandalism, excessive wear, etc.
   c. Coverings (tile, etc.) are clean and protected with acceptable materials.
   d. Are free of litter, dirt, markings, etc.

5. FOUNDATION AND EXTERIOR WALLS
   a. Are structurally sound and support the superimposed loading.
   b. Are free of differential settlement or lateral, vertical, or longitudinal displacement.

6. FURNISHINGS
   a. Are safe, serviceable, and usable for their intended purpose.
   b. Are free of objectionable deterioration and evidence of vandalism.
   c. Are clean, free of soil spots, etc., and appearance complements their surroundings.

7. HEATING, VENTILATION, AND AIR-CONDITIONING UNITS
   a. Are clean, maintained, and operated in strict accordance with manufacturer's instructions; and adjacent areas are free of litter, dirt accumulation, and unnecessary storage.

8. INTERIOR SURFACES
   a. Are free of damage attributable to accumulated moisture.
   b. Are clean and free of all evidence of vandalism, unnecessary markings, excessive dirt, grime, etc.
   c. Are finished in acceptable manner free of peeling, blistering, excessive wear, etc.

9. PLUMBING (WATER AND SEWER)
   a. Piping is free of leaks, noise, and deterioration.
   b. Provides a water quality which meets Public Health Service standards.
   c. Vent pipes are open, free of debris, and odor minimized.
   d. Fixtures are clean, free of stains, odors, and breaks; and rest rooms are adequately stocked with supplies.

10. ROOFS
   a. Are free of deterioration that would affect structural qualities.
   b. Have lightning suppressors installed where necessary.
   c. Are free of displacement or warping.
   d. Have snow load removed before the critical depth is reached.
   e. Structures or parts of roof structures are not jeopardized by adjacent vegetation.

GARBAGE REMOVAL

1. Trash receptacles shall be placed at advantageous points in the best interest of public use.

2. Concessioner will remove trash and dead fish off the pier daily and more frequently, if warranted.

3. All garbage will be disposed of in a manner reflecting absolute compliance with current State and Federal air and water pollution criteria.

4. All garbage containers will be scrubbed to remove unsanitary particles.

5. It is recommended that plastic bag liners be utilized to assist in bettering collection and disposal measures.

FOOD AND REFRIGERATION STORAGE

All food and refrigerated products will be stored and refrigerated to comply with State and Federal Public Health Service standards.

ELECTRICAL SYSTEM

Prior to seasonal opening, the Concessioner will make an inspection of all electrical wiring, outlets, and fixtures. Worn, rusted, and inoperative items will be replaced prior to seasonal opening.

The Concessioner will make weekly inspections of the electrical system located on the pier structure. An inspection of the system will be made after electrical or other storm damage to the area and facility to insure maximum safety for the concession patrons.

The pier house, approach ramp, and pier structure electrical plants will be properly maintained by fixture and bulb or lamp replacement, as becomes necessary during operational periods.

WATER SYSTEM

Prior to seasonal opening, the Concessioner will make an annual inspection of all water system piping, valves, and fixtures. Worn, rusted, and unsightly items will be replaced prior to seasonal opening.

Daily checks will be made to insure acceptable water service for the concession patrons, in compliance with State and Federal Public Health Service regulations.

The Concessioner shall take the necessary water samples from the system for analysis, as required by the State of North Carolina.

INSPECTION OF PIER STRUCTURAL MEMBERS

An annual inspection will be made by Concession Safety Officer prior to seasonal opening of all members in the pier complex for structural soundness relative to proper bracing, connections and alignment, decking, stringers, and sufficient number of pilings.

Weekly inspections, plus inspections after any unusual storm, will be made by the Concession Safety Officer to insure structural soundness of the facility.

Every five years, the Concessioner shall have a structural inspection of the pier performed by a structural inspector approved by the State of North Carolina.

SEWER SYSTEM

Prior to seasonal opening, an annual inspection by the Concessioner will be made of all sewer system piping, valves, tanks and fixtures. Worn, rusted, and unsightly items will be replaced prior to seasonal opening.

Concessioner also will make daily checks to insure acceptable sanitary service for the concession patron in compliance with State and Federal Public Health Service regulations.

SEPTIC TANKS

Concessioner shall pump septic tanks in accordance with specifications listed on Attachment A.

All sewage will be disposed of in a manner reflecting absolute compliance with State and Federal air and water pollution criteria.

EVALUATIONS

Prior to opening for the season, an evaluation of the entire facility will be done by members of the National Park Service and the Concessioner, or his authorized representative, to ensure that all standards are being met and all requirements of the Contract, Maintenance Agreement, Operating Plan, and Loss Control Plan are up to date and implemented.

The Concessioner will perform periodic inspections throughout the season to assure that all standards of sanitation, food handling, and pier operation are being met.

National Park Service members are required to perform a pre-opening evaluation, two during the season, and one at the close of opera-tions. One evaluation will be in conjunction with the required inspection by the USPHS representative.

WINTERIZING AND CLOSING OPERATIONS

At close of operations, the Concessioner will exercise all methods to safeguard the facility and visitors frequenting the area from damage or injury attributable to neglect in securing all systems and areas during the period of closure. NPS will be notified.

PAINTING EXTERIOR AND INTERIOR

Prior to seasonal opening, an annual inspection will be conducted by Concessioner of existing painted areas to evaluate the need for corrective measures affording prescribed treatment of wood and metal materials. Any painting or change to structure must be approved by the Superintendent.

From: Sholly, Cam <cam_sholly@nps.gov>
Sent: Sunday, October 06, 2013 1:12 PM
To: Margaret O'Dell; Maureen Foster; Suzanne Waldron
Subject: Fwd: Google Alert - Cape Hatteras National Seashore

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

---------- Forwarded message ----------
From: **Benge, Shawn** <shawn_benge@nps.gov>
Date: Sun, Oct 6, 2013 at 1:04 PM
Subject: Fwd: Google Alert - Cape Hatteras National Seashore
To: Cam Sholly <cam_sholly@nps.gov>, Charles Cuvelier <charles_cuvelier@nps.gov>

---------- Forwarded message ----------
From: **Reynolds, William** <william_f_reynolds@nps.gov>
Date: Sun, Oct 6, 2013 at 12:56 PM
Subject: Fwd: Google Alert - Cape Hatteras National Seashore
To: Michael Litterst <Mike_Litterst@nps.gov>
Cc: Shawn Benge <shawn_benge@nps.gov>, David Horne <david_horne@nps.gov>, Cyndy Holda <Cyndy_Holda@nps.gov>

FYI

---------- Forwarded message ----------
From: **Google Alerts** <googlealerts-noreply@google.com>
Date: Sun, Oct 6, 2013 at 8:00 AM
Subject: Google Alert - Cape Hatteras National Seashore
To: william_f_reynolds%nps.gov@gtempaccount.com

News **1** new result for **Cape Hatteras National Seashore**

Hundreds in Outer Banks walk to protest government shutdown WNCT

On Saturday, people who live and work near **Cape Hatteras National Seashore** used their feet to try and get the government's attention, by holding a peaceful **...**
See all stories on this topic »

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

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

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

From: McDowall, Lena <lena_mcdowall@nps.gov>
Sent: Sunday, October 06, 2013 4:45 PM
To: Roth, Barry
Cc: Sholly, Cam; O'Dell, Peggy; Foster, Maureen; Edward Keable; Edward Boling
Subject: Re: Form letter

Barry -

Thanks. This letter will be very helpful. I don't think we have enough to ask for a full or even half-day of Melissa's time tomorrow. She's providing some comments on some Q&As for Communications Office on the difference between concessions contracts and leases, and we have already talked through the letter that needs to go to the concessioner at Hatteras. Continuing to have her available for telework as needed should be sufficient. I believe Melissa plans to let us know if she's out-of-pocket for any lengthy period of time tomorrow, so we know not to look for her assistance until she's able to hop on a computer again.

Thanks,

Lena

On Sun, Oct 6, 2013 at 1:42 PM, Roth, Barry <barry.roth@sol.doi.gov> wrote:
We have prepared a form letter that can be used to put the CAHA concessioner and others on notice of default under their contract.

Please advise if you require Melissa's work tomorrow. As she did Friday, she can handle many if not all of these matters via telework.

Thank you.
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: **Lackey, Melissa** <melissa.lackey@sol.doi.gov>
Date: Sun, Oct 6, 2013 at 1:31 PM
Subject: Form letter

To: Barry Roth <barry.roth@sol.doi.gov>

See revised version attached

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

From: Barry Roth <barry.roth@sol.doi.gov>
Sent: Sunday, October 06, 2013 5:39 PM
To: McDowall, Lena
Cc: Sholly, Cam; O'Dell, Peggy; Foster, Maureen; Edward Keable; Edward Boling
Subject: Re: Form letter

That us fine. She is available for telework if that is necessary.

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

Sent from my iPhone

On Oct 6, 2013, at 4:45 PM, "McDowall, Lena" <lena_mcdowall@nps.gov> wrote:

> Barry -
>
> Thanks. This letter will be very helpful. I don't think we have enough to ask for a full or even half-day of Melissa's time tomorrow. She's providing some comments on some Q&As for Communications Office on the difference between concessions contracts and leases, and we have already talked through the letter that needs to go to the concessioner at Hatteras. Continuing to have her available for telework as needed should be sufficient. I believe Melissa plans to let us know if she's out-of-pocket for any lengthy period of time tomorrow, so we know not to look for her assistance until she's able to hop on a computer again.
>
> Thanks,
>
> Lena
>
> On Sun, Oct 6, 2013 at 1:42 PM, Roth, Barry <barry.roth@sol.doi.gov> wrote:
> We have prepared a form letter that can be used to put the CAHA concessioner and others on notice of default under their contract.
>
> Please advise if you require Melissa's work tomorrow. As she did Friday, she can handle many if not all of these matters via telework.
>
> Thank you.
> 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: **Lackey, Melissa** <melissa.lackey@sol.doi.gov>
Date: Sun, Oct 6, 2013 at 1:31 PM
Subject: Form letter
To: Barry Roth <barry.roth@sol.doi.gov>

See revised version attached

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

From: McDowall, Lena <lena_mcdowall@nps.gov>
Sent: Sunday, October 06, 2013 2:43 PM
To: O'Dell, Margaret
Subject: Re: Proposed Avon Pier Conference Call

Melissa is planning to be on the call.

On Sun, Oct 6, 2013 at 1:57 PM, O'Dell, Margaret <peggy_o'dell@nps.gov> wrote:
Lena, can you let Melissa know in case she isn't looking at email thanks

On Sun, Oct 6, 2013 at 1:54 PM, Lena McDowall <lena_mcdowall@nps.gov> wrote:
3:30 works for me. -- Lena

Sent from my iPhone

On Oct 6, 2013, at 1:53 PM, "O'Dell, Margaret" <peggy_o'dell@nps.gov> wrote:

> Please include Lena in the call and potentially Melissa Lackey for her perspective please.
>
> On Sun, Oct 6, 2013 at 1:47 PM, Sholly, Cam <cam_sholly@nps.gov> wrote:
> I'll handle this unless you think differently.
>
> _____
> Cameron Sholly
> Associate Director
> Visitor and Resource Protection
> National Park Service
> (202) 565-1020-w
> (202) 501-1287-f
>
> ---------- Forwarded message ----------
> From: **Benge, Shawn** <shawn_benge@nps.gov>
> Date: Sun, Oct 6, 2013 at 1:46 PM
> Subject: Proposed Avon Pier Conference Call
> To: Lena McDowall <lena_mcdowall@nps.gov>, Melissa Lackey <melissa.lackey@sol.doi.gov>, Cam Sholly <cam_sholly@nps.gov>
> Cc: David Horne <david_horne@nps.gov>, William Reynolds <william_f_reynolds@nps.gov>
>
> Can we do a conference call regarding CAHA Avon Pier at 3:30 today (Sunday)? The concession operator did open today and there is no doubt he has no intention to close his operation. SERO/CAHA will bring forward some options at 3:30 for us to discuss. I want to

make sure WASO is comfortable from a national "consistency" standpoint. I also plan to invite the park to participate.

We can use the below call in info. Please let me know if 3:30 is not a good time.

Non-responsive

--

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

From: McDowall, Lena <lena_mcdowall@nps.gov>
Sent: Monday, October 07, 2013 9:35 AM
To: Francis Dean
Cc: Patricia Neubacher; Peggy O'Dell; Jonathan Jarvis; Bruce Sheaffer
Subject: Re: Fw: The Cliff House---NPS Shutdown Order

Thanks, Frank. I'm available for a call whenever Peggy and/or Jon schedule one this morning. --Lena

On Mon, Oct 7, 2013 at 2:12 AM, Francis Dean <frank_dean@nps.gov> wrote:
Hi Lena,

Am sending this letter by email in case FedEx is not getting to you promptly within MIB. I am also copying you on another email about this as we should talk Monday morning. I am holding the line here, but the lease and contract distinction is quite nuanced in this park as you know.

Thanks for your assistance on this,

Frank

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

From: Lou Haas [mailto:LHaas@hnattorneys.com]
Sent: Friday, October 04, 2013 05:47 PM
To: Frank Dean <frank_dean@nps.gov>
Subject: FW: The Cliff House---NPS Shutdown Order

Frank,

Thanks so much for your time today. Attached is my follow up letter to Lena, which she should receive Monday AM. I have also reached out to Derrick Crandall and hope to speak with him ASAP. I will also reach out to Dean Jenson regarding his experience on the insurance issue, but our agent and my coverage partner indicate that the situation is bleak (property damage is covered, but other than the loss of some food our losses are all economic and seem to fall under the sovereign act exclusion). We will be working on The Cliff House issues with management and the numbers folks this weekend, and I will update you either tomorrow or Sunday, but as discussed Danny finds himself in an impossible situation.

Lou

Louis N. Haas
Partner
HaasNajarian LLP
58 Maiden Lane, 2nd Floor
San Francisco, CA 94108
415.788.6330 v
415.391.0555 f
lhaas@hnattorneys.com

From: Leslie Mabie
Sent: Friday, October 04, 2013 5:26 PM
To: Lou Haas
Subject: 0364.018

Leslie Mabie
Assistant to Louis N. Haas and
David E. Bunim
HaasNajarian LLP
58 Maiden Lane, 2nd Floor
San Francisco, CA 94108
415.788.6330 v
415.391.0555 f
lmabie@hnattorneys.com

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--

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

From: Francis Dean <frank_dean@nps.gov>
Sent: Monday, October 07, 2013 2:12 AM
To: lena_mcdowall@nps.gov
Cc: patty_neubacher@nps.gov; peggy_o'dell@nps.gov; jon_jarvis@nps.gov
Subject: Fw: The Cliff House---NPS Shutdown Order
Attachments: McDowall ltr 10-4-13.pdf

Hi Lena,

Am sending this letter by email in case FedEx is not getting to you promptly within MIB. I am also copying you on another email about this as we should talk Monday morning. I am holding the line here, but the lease and contract distinction is quite nuanced in this park as you know.

Thanks for your assistance on this,

Frank

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

From: Lou Haas [mailto:LHaas@hnattorneys.com]
Sent: Friday, October 04, 2013 05:47 PM
To: Frank Dean <frank_dean@nps.gov>
Subject: FW: The Cliff House---NPS Shutdown Order

Frank,

Thanks so much for your time today. Attached is my follow up letter to Lena, which she should receive Monday AM. I have also reached out to Derrick Crandall and hope to speak with him ASAP. I will also reach out to Dean Jenson regarding his experience on the insurance issue, but our agent and my coverage partner indicate that the situation is bleak (property damage is covered, but other than the loss of some food our losses are all economic and seem to fall under the sovereign act exclusion). We will be working on The Cliff House issues with management and the numbers folks this weekend, and I will update you either tomorrow or Sunday, but as discussed Danny finds himself in an impossible situation.

Lou

HAASNAJARIAN LLP
Attorneys at Law

Louis N. Haas
Partner
HaasNajarian LLP
58 Maiden Lane, 2nd Floor
San Francisco, CA 94108

415.788.6330 v
415.391.0555 f
lhaas@hnattorneys.com

From: Leslie Mabie
Sent: Friday, October 04, 2013 5:26 PM
To: Lou Haas
Subject: 0364.018

Leslie Mabie
Assistant to Louis N. Haas and
David E. Bunim
HaasNajarian LLP
58 Maiden Lane, 2nd Floor
San Francisco, CA 94108
415.788.6330 v
415.391.0555 f
lmabie@hnattorneys.com

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_HAASNAJARIANLLP
Attorneys at Law

58 Maiden Lane
2nd Floor
San Francisco
California
94108

T 415.788.6330
F 415.391.0555

October 4, 2013

0364.018

BY FEDERAL EXPRESS
Tracking No. 7968 4662 7458

Lena McDowall
Associate Director, Business Services
United States Department of the Interior
National Park Service
1849 C Street, N.W.
Washington, D.C 20240

Re: *Concession Contract No. CC-GOGA10-98*
Order to Discontinue Operations at The Cliff House
Response to NPS Letter Received Today

Dear Ms. McDowall:

Thank you so much for your prompt response to our letter of October 2, 2013 to Frank Dean, General Superintendent of GGNRA. While it seems that your decision to continue the shutdown order *vis-à-vis* The Cliff House concession is cast in concrete, I wanted to point out a few items in response to your letter:

- The economic devastation of the shutdown order upon this Concession may be irremediable; due to a 50% overrun in the cost of the improvements required under the Concession Contract and an almost four year delay in the design and construction project (almost exclusively due to NPS issues regarding design and construction), the Concessioner has never been able to realize a profit on its investment, much less the reasonable profit in relation to both gross receipts and capital invested required by both statute and regulation. In fact, the equity owners of the Concessioner, Peanut Wagon, Inc. ("PWI"), have not been able to take compensation for their daily efforts in overseeing operation of the Concession. The shutdown order may be the proverbial nail in the (economic) coffin, since the continuing monthly costs of maintaining the Concession even after laying off the food and beverage staff still exceeds $300,000.[1]

[1] In an ironic but vile twist, PWI's insurance carrier of more than 25 years (Fireman's Fund) is refusing to cover these significant business losses by applying a "sovereign acts" exclusion.

- Due to the fact that the economy has recovered more in San Francisco than in the rest of the country, the Concessioner has determined that the shutdown order will result in the loss of approximately 100 of its 200 employees, who will be forced to seek other employment (and in San Francisco, other employment is apparently available). When the shutdown order is lifted, the Concession will be crippled, requiring a large injection of capital to perform the Human Resources work in replacing the staff and training the new personnel, much to the detriment not only of the Concessioner and the Concession, but the experience of the Area visitors.

- We understand that the Secretary's national closure determination "... 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, the shutdown order as applied to The Cliff House will result in the opposite; *viz*, health and safety will not be enhanced and Park resources and values will be adversely impacted. PWI has been operating The Cliff House for years before NPS purchased the property from its prior owner, the Whitney family. PWI has been a model steward of this precious Park property and operates without the level of contracting support, visitor protection and management oversight emphasized in your letter. As I pointed out in my October 2 letter, due to concurrent jurisdiction, all of the necessary protective functions are provided by the City and County of San Francisco, including the providing of all utilities and life safety service providers.

- Finally, we cannot help but notice the "form vs. substance" aspect of the shutdown impacting concessions but not leaseholds. There is a leasehold operation 100 yards north of The Cliff House, Louis' Restaurant, operated by cousins of the owners of PWI, a fact well known to the community in San Francisco, especially regular Park visitors. It is a 10 year leasehold which required considerable improvements to be made by the Lessee. It is operated the same as The Cliff House and requires little Park oversight.[2] While I certainly appreciate that procurement management decisions regarding the nature and structure of Park property operations is exclusively the province of NPS, it is difficult for my client and the public to understand the distinctions, creating a public relations problem being laid at the feet my client and GGNRA.

[2] Actually, if you check with GGNRA senior contract personnel, you will discover that Louis' requires more Park oversight and management than The Cliff House (which requires virtually none on a regular basis).

Thank you for your further consideration of these matters. If you require any clarification or wish to discuss this matter further, please do not hesitate to contact me.

Very truly yours,

HAAS NAJARIAN, LLP

LOUIS N. HAAS

LNH/lm

cc: PWI
Frank Dean

N:\CLIENTS\03\0364\018\Correspondence\McDowall ltr 10-4-13.docx

From: McDowall, Lena <lena_mcdowall@nps.gov>
Sent: Monday, October 07, 2013 9:45 AM
To: Peggy O'Dell
Subject: Fwd: Email from Dan Jensen

FYI

---------- Forwarded message ----------
From: **Derrick Crandall** <dcrandall@funoutdoors.com>
Date: Fri, Oct 4, 2013 at 9:10 PM
Subject: RE: Email from Dan Jensen
To: "McDowall, Lena" <lena_mcdowall@nps.gov>

Thank you, Lena.

Just so you know, there has been much more contact between the FS leadership and its recreation partners, and especially ski areas, than we have been able to achieve with NPS. And ski areas, outfitters and guides and marinas in national forests are unimpacted by the shutdown. I credit Chief Tidwell and Deputy Chief Leslie Weldon with strong advocacy in their dealings with USDA, OMB and the White House. I've seen evidence of their efforts. USACE also is letting marinas on its lakes operate normally. NPHA members ask if the same is being done by NPS and I simply say that I can't answer the question. They ask why Cavallo Point and Argonaut operate as normal. And I tell them that I can't get anyone to explain that to me.

My frustration is high because I have convinced the concessions community to work hard to be partners, to invest time and funding in the Centennial and new financial paradigms that are supplementary and sustainable. I told them that by demonstrating commitment to the greater good of our national parks, NPS would look out for them as valued partners. Not certain that I have been giving them the right advice.

Derrick

From: McDowall, Lena [mailto:lena_mcdowall@nps.gov]
Sent: Friday, October 04, 2013 6:22 PM
To: Derrick Crandall
Subject: Re: Email from Dan Jensen

We are listening and feel terrible as well. We're very sorry for the hardship this government shutdown is causing for the concessions community and their employees and we share the deep frustrations of the visitors

who are being turned away from parks each day. National Park Service employees want nothing more than to reopen our parks and welcome visitors again. I know Don Neubacher, the superintendent, is checking in with Dan regularly and would express the same sentiments. We're continuing to hope for a speedy resolution to the funding impasse so that we can reopen and that NPS and concession employees can go back to work.

On Fri, Oct 4, 2013 at 11:40 AM, Derrick Crandall <dcrandall@funoutdoors.com> wrote:

I know you, like me, think highly of Dan. Here is what he just wrote me:

We have 1200 people not working today and there is no one who will give them back pay. NPS has about 500 people in Yosemite on furlough and they will get paid. Federal employees are treating their time off like a snow day from school (I don't mean to bash them and it is not their fault). We are providing meals for our associates at $1 per meal because they have no income and need to eat. I know you are an effective advocate for concessions, but no one is really listening.

Sure makes me feel terrible. I hope he is wrong. I hope someone is listening.

Derrick

Derrick A. Crandall, President

American Recreation Coalition

1200 G Street, N.W. Suite 650

Washington, D.C. 20005

202-682-9530, F 202-682-9529

www.funoutdoors.com

--
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

From: Campbell, Colin <colin_campbell@nps.gov>
Sent: Monday, October 07, 2013 9:58 AM
To: Margaret O'Dell
Subject: Fwd: GRCA River Permit accommodation plan
Attachments: Options for River Permits.docx

Hello Peggy,

This is a path forward when this shutdown ends. Dave and I discussed, and makes a lot of sense to me. Private parties wait so long to get on, and plan trips for months. Believe we should accommodate as we can with a priority consideration for the future. Dave wants to announce this possible resolution if it is OK with you.

Colin

---------- Forwarded message ----------
From: **David Uberuaga** <dave_uberuaga@nps.gov>
Date: Sun, Oct 6, 2013 at 12:18 AM
Subject: GRCA River Permit accommodation plan
To: Colin Campbell <Colin_Campbell@nps.gov>, Billy Shott <Billy_Shott@nps.gov>, Bill Wright <Bill_Wright@nps.gov>
Cc: Doug Lentz <Doug_Lentz@nps.gov>, Robin Martin <Robin_Martin@nps.gov>, Diane Chalfant <Diane_Chalfant@nps.gov>

Colin & Billy
FYI -- We have been working with the river community to come up with a plan once the park opens. Basically we will refund river permit fees for all private/general public permit holders and allow them to reschedule their trip with priority placement anytime in the next three years. We also have a process & plan in place to launch trips already waiting outside the park.
We also worked with the river concessioners giving them the user days they lost based on the number of trips cancelled during the shutdown.
Below is the detailed write-up.
Unless you any concerns we will announce this plan on Monday as a news release and begin to contact each party affected through emails & other means.

Dave

Dave Uberuaga
Superintendent,
Grand Canyon National Park Dave_Uberuaga@nps.gov.
928-606-7802 Cell

Sent from my I phone

Begin forwarded message:

From: "Brenchley, Deborah" <debbie_brenchley@nps.gov>
Date: October 5, 2013, 5:14:33 PM MST
To: David Uberuaga <dave_uberuaga@nps.gov>, Jeremy Lusher <jeremy_lusher@nps.gov>
Cc: William Vandergraff <bil_vandergraff@nps.gov>, Kirby-Lynn Shedlowski <kirbylynn_shedlowski@nps.gov>, Maureen Oltrogge <maureen_oltrogge@nps.gov>
Subject: River Permit accommodation plan

Attached is the plan for dealing with river permits

Let me know if there are an edits.

--
Colin Campbell
Deputy Regional Director, Operations
P.O. Box 25287
12795 W. Alameda Pkwy
Denver, CO 80225-0287
303-969-2800
303-969-2785 Fax

River Permit Accommodation Plan

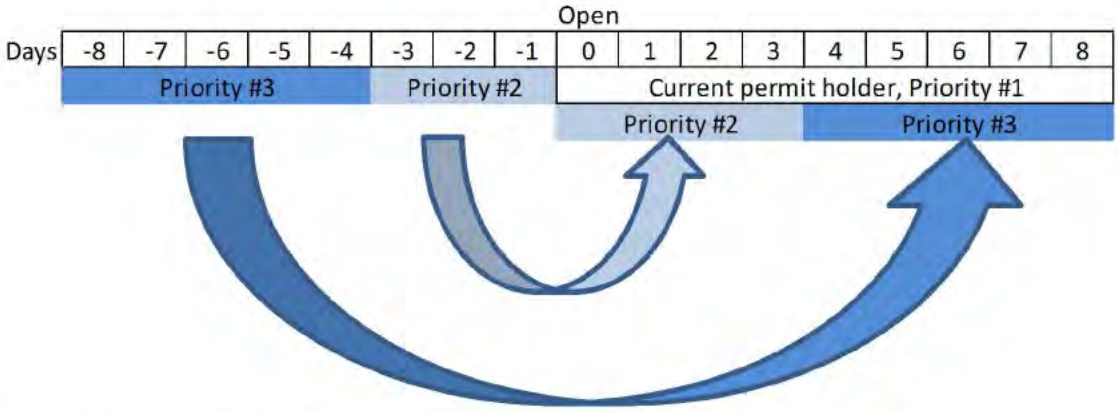
All permit holders who were denied their scheduled launch due to the Government Shutdown will receive a refund for permit fees. The permit holder will be entitled to reschedule for a Colorado River trip with their choice of dates in 2013, 2014, 2015, or 2016. They must submit their choices for trip dates within 60 days. Submissions must be a flexible since we will not allow more than 3 launches in a day and must be within parameters of the season. Only the permit holder will be allowed to reschedule a trip and the option is non-transferrable.

The river permit holders who had launch dates 3 days previous to opening and including opening day may choose to get a refund for permit fees and reschedule with the same parameters as above **or** launch after opening. The maximum number of launches will be adjusted to 4 per day for the first 2 days after opening. After that, the maximum will be 3 launches per day until the back log has been cleared. River permit holders with the current launch date will have priority to launch on their scheduled date. The additional launch openings will be offered to the permit holder from 3 days prior, then 2 days, then 1 day. This will clear trips that are immediately prepared to leave. Any trip launching later than scheduled will be able to travel on the river for the same number of days as on their permit.

The river permit holders who had launch dates greater than 3 days prior to opening day may choose to get a refund for permit fees and reschedule with the same parameters as above **or** launch after opening. Subsequent launch openings to this group will be prioritized by their launch dates.

The river permit holders who have launch dates up to 3 days after opening day may choose to launch on time or get a refund for permit fees and reschedule with the same parameters as above.

Original permit for launch during closed period Oct. 1 to 3 days prior to opening	Refund	Reschedule trip in 2013, 2014, 2015 or 2016	or	Launch after 3 days of opening with max of 3 trips per day. Prioritization based on original launch date.
Original permit for launch within 3 days prior to opening	Refund	Reschedule trip in 2013, 2014, 2015 or 2016	or	Trip allowed within 3 days of opening with max of 4 trips per day. Prioritization based on original launch date.
Original permit for river within 3 days after opening	Refund	Reschedule trip in 2013, 2014, 2015 or 2016	or	Launch as scheduled



Priority #1: Trips scheduled to launch for that day
Priority #2: Trips scheduled within 3 days of opening
Priority #3: Trips scheduled from Oct 1 to within 3 days of opening

From: Francis Dean <frank_dean@nps.gov>
Sent: Monday, October 07, 2013 1:04 PM
To: lena_mcdowall@nps.gov; patty_neubacher@nps.gov
Cc: peggy_o'dell@nps.gov; bruce_sheaffer@nps.gov
Subject: URGENT Cliff House has reopened---

Confidential

Lena and Patty,

Assuming everyone in WASO is busy, but would be good to talk ASAP as Cliff House just confirmed they have quietly reopened at this hour. Am speaking to the operator now, but they appear resolute about this given there is no certainty about an agreement in DC. They are aware of the risk. Can you please let leadership know about this?

Frank
415 710-7484c

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General Superintendent
Golden Gate
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San Francisco, CA 94123
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Cc: Patricia Neubacher <patty_neubacher@nps.gov>; Peggy O'Dell <peggy_o'dell@nps.gov>; Jonathan Jarvis <jon_jarvis@nps.gov>; Bruce Sheaffer <Bruce_Sheaffer@nps.gov>
Subject: Re: Fw: The Cliff House---NPS Shutdown Order

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General Superintendent
Golden Gate

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From: Lou Haas [mailto:LHaas@hnattorneys.com]
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To: Frank Dean <frank_dean@nps.gov>
Subject: FW: The Cliff House---NPS Shutdown Order

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Louis N. Haas
Partner
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58 Maiden Lane, 2nd Floor
San Francisco, CA 94108
415.788.6330 v
415.391.0555 f
lhaas@hnattorneys.com

From: Leslie Mabie
Sent: Friday, October 04, 2013 5:26 PM
To: Lou Haas
Subject: 0364.018

Leslie Mabie
Assistant to Louis N. Haas and
David E. Bunim
HaasNajarian LLP
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San Francisco, CA 94108
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--
Lena McDowall
Associate Director, Business Services
Ph: (202) 208-5651
Cell: (202) 641-1814
Email: Lena_McDowall@nps.gov

From: Cam Sholly <cam_sholly@nps.gov>
Sent: Monday, October 07, 2013 1:09 PM
To: Peggy_O'Dell@nps.gov; Lena_McDowall@nps.gov; Maureen Foster
Subject: Fwd: URGENT Cliff House has reopened---

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:** "Wanek, Scott" <scott_wanek@nps.gov>
> **Date:** October 7, 2013 at 1:07:22 PM EDT
> **To:** Cam Sholly <cam_sholly@nps.gov>
> **Subject: Fwd: URGENT Cliff House has reopened---**
>
> ---------- Forwarded message ----------
> From: **Neubacher, Patricia** <patty_neubacher@nps.gov>
> Date: Mon, Oct 7, 2013 at 10:05 AM
> Subject: Fwd: URGENT Cliff House has reopened---
> To: Scott Wanek <Scott_Wanek@nps.gov>, Craig Dalby <craig_dalby@nps.gov>
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Subject: FW: The Cliff House---NPS Shutdown Order

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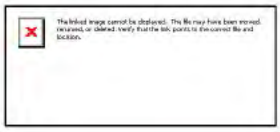

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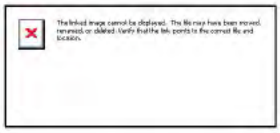
415.391.0555 f
lhaas@hnattorneys.com

From: Leslie Mabie
Sent: Friday, October 04, 2013 5:26 PM
To: Lou Haas
Subject: 0364.018



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Email: Lena_McDowall@nps.gov

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

--
Scott Wanek
Regional Chief Ranger
Pacific West Region
415-623-2180 office
510-501-0459 cell
415-623-2189 fax
VRP Sharepoint Site

From: McDowall, Lena <lena_mcdowall@nps.gov>
Sent: Monday, October 07, 2013 1:28 PM
To: Cam Sholly
Cc: Peggy O'Dell; Maureen Foster; Bruce Sheaffer; Patricia Neubacher
Subject: Re: URGENT Cliff House has reopened---

Just talked to Patty. Patty is going to let Frank know that the Director's Closure Determination and Notice applies to Cliff House as it does to all other concession facilities Servicewide. I will work with the solicitors to draft an appropriate letter to the concessioner operating the Cliff House and a response letter to the Cliff House attorney's latest letter. The region is going to coordinate with Cam's shop on whether or not closure enforcement is appropriate in this case.

On Mon, Oct 7, 2013 at 1:08 PM, Cam Sholly <cam_sholly@nps.gov> wrote:

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

Sent Wirelessly

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> Date: Mon, Oct 7, 2013 at 10:05 AM
> Subject: Fwd: URGENT Cliff House has reopened---
> To: Scott Wanek <Scott_Wanek@nps.gov>, Craig Dalby <craig_dalby@nps.gov>

---------- Forwarded message ----------
From: **Francis Dean** <frank_dean@nps.gov>
Date: Mon, Oct 7, 2013 at 10:04 AM
Subject: URGENT Cliff House has reopened---
To: lena_mcdowall@nps.gov, patty_neubacher@nps.gov
Cc: peggy_o'dell@nps.gov, bruce_sheaffer@nps.gov

Confidential

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415 710-7484c

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General Superintendent
Golden Gate
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From: McDowall, Lena [mailto:lena_mcdowall@nps.gov]
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To: Francis Dean <frank_dean@nps.gov>
Cc: Patricia Neubacher <patty_neubacher@nps.gov>; Peggy O'Dell <peggy_o'dell@nps.gov>; Jonathan Jarvis <jon_jarvis@nps.gov>; Bruce Sheaffer <Bruce_Sheaffer@nps.gov>
Subject: Re: Fw: The Cliff House---NPS Shutdown Order

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Golden Gate

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From: Lou Haas [mailto:LHaas@hnattorneys.com]
Sent: Friday, October 04, 2013 05:47 PM
To: Frank Dean <frank_dean@nps.gov>
Subject: FW: The Cliff House---NPS Shutdown Order

Frank,

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415.391.0555 f
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From: Leslie Mabie
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From: Sheaffer, Bruce <bruce_sheaffer@nps.gov>
Sent: Monday, October 07, 2013 1:33 PM
To: Francis Dean
Cc: Lena McDowall; Patty Neubacher; Peggy O'Dell
Subject: Re: URGENT Cliff House has reopened---

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

From: Francis Dean <frank_dean@nps.gov>
Sent: Monday, October 07, 2013 1:41 PM
To: bruce_sheaffer@nps.gov
Cc: lena_mcdowall@nps.gov; patty_neubacher@nps.gov; peggy_o'dell@nps.gov; Aaron_Roth@nps.gov
Subject: Re: URGENT Cliff House has reopened---

Bruce,

I was referring to the disagreement in Congress, but assume you mean no change in our NPS position on concession facilities? If so, I will relay that to the operator. At this hour, I mostly wanted WASO to know the facility has defied the closure order and is now open for business.

Frank Dean
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415.391.0555 f
lmabie@hnattorneys.com

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

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

From: Cam Sholly <cam_sholly@nps.gov>
Sent: Monday, October 07, 2013 1:44 PM
To: Peggy_O'Dell@nps.gov; Sue_Waldron@nps.gov; Maureen Foster
Subject: Fwd: Question

Lake Mead

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: "Dickinson, William" <william_k_dickinson@nps.gov>
Date: October 7, 2013 at 1:39:35 PM EDT
To: "Sholly, Cam" <cam_sholly@nps.gov>
Cc: Gary Warshefski <gary_warshefski@nps.gov>, Patricia Neubacher <patty_neubacher@nps.gov>, Christie Vanover <christie_vanover@nps.gov>, Mary Hinson <Mary_Hinson@nps.gov>, Michael Litterst <mike_litterst@nps.gov>, Craig Dalby <craig_dalby@nps.gov>
Subject: Re: Question

Cam,

Christie Vanover, our PAO has been in a number of follow-up calls concerning this issue. Christie can be reached at 702-283-2344. If you would prefer, Christie, Mary Hinson, and I would be happy to set up a conference call with you. In short, the vacation cabin sites are for recreational use... they are not suppose to live in these structures full time. The cabins are private property, but on NPS lands. Those staying in there cabins were contacted and given 48 hours to vacate (just like campgrounds). Individual cabin site owners are allowed to return to their cabins to ensure sites are secure and to retrieve personal property. They are not allowed to stay overnight or use sites for recreating within Lake Mead. Once the Spencer's understood they could return to their cabin to collect personal belongings, they were understanding and complimentary of how the rangers had handled the situation.

Bill D.

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Monday, October 07, 2013 3:55 PM
To: Cam Sholly; Maureen Foster; Peggy O'Dell
Cc: Mike Litterst
Subject: Fwd: Preservation Virginia

fyi

---------- Forwarded message ----------
From: **Ahern, Jane** <jane_ahern@nps.gov>
Date: Mon, Oct 7, 2013 at 3:49 PM
Subject: Fwd: Preservation Virginia
To: Michael Litterst <mike_litterst@nps.gov>, Suzanne Waldron <sue_waldron@nps.gov>

FYI - Though I suspect that you might be aware of this already Mike L.

---------- Forwarded message ----------
From: **Caldwell, Michael** <mike_caldwell@nps.gov>
Date: Mon, Oct 7, 2013 at 3:46 PM
Subject: Re: Preservation Virginia
To: "Williams, Steven" <steven_williams@nps.gov>
Cc: Stephen M Clark <Stephen_M_Clark@nps.gov>, Jane Ahern <jane_ahern@nps.gov>, Kenneth Doak <Kenneth_Doak@nps.gov>, Brian Strack <brian_strack@nps.gov>

Thanks Steve

We will get back to you asap.

Mike Caldwell

On Mon, Oct 7, 2013 at 3:41 PM, Williams, Steven <steven_williams@nps.gov> wrote:
To All:

I had a conversation today from Preservation Virginia (PV) site manger, Sheryl Mays, to discuss PV's intention to manage the opening of Jamestowne Island to allow the general public to access their property on the island.

Mays indicated that PV would have their paid/volunteer staff man the Jamestowne Island entrance/exit gates and then directed the public to PV's property were they would provide parking and collect the fees from the

visiting public to PV's property. Preservation Virginia hopes to have this plan in motion by this upcoming Wednesday and is preparing a press release to notify the general public of their plans.

The obvious concerns for the park include the facts that we are closed to the public and we have an active Federal Highway construction project taking place on the isthmus bridge that connects the roadway to the island. Another concern is that PV does not have enough designated parking areas on their property to park a large number of vehicles/tour buses.

I explained to Mays that I would forward PV's desire to open Jamestowne Island to the regional office management team.

--

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

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

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

200 Chestnut Street, Suite 502
Philadelphia, PA 19106

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--
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

From: Haugrud, Kevin <jack.haugrud@sol.doi.gov>
Sent: Monday, October 07, 2013 5:56 PM
To: Laura Davis; Nicole Buffa; Katherine Kelly; Blake Androff
Cc: Ted Boling; Barry Roth; Jon Jarvis; Margaret O'Dell; Maureen Foster
Subject: Pisgah Inn Complaint and TRO
Attachments: Complaint FINAL.pdf

Many of you have already heard, but this afternoon we received a complaint and TRO request seeking to force the reopening of the Inn. Here's the relevant part of the complaint summarizing their theory of the case and setting out their request for relief:

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, and abuse of discretion and not in accordance with law.

REQUEST FOR RELIEF
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.

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.

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

From: Roth, Barry <barry.roth@sol.doi.gov>
Sent: Sunday, October 06, 2013 1:42 PM
To: Sholly, Cam; McDowall, Lena; O'Dell, Peggy; Foster, Maureen
Cc: Edward Keable; Edward Boling
Subject: Fwd: Form letter
Attachments: Form default letter to concessioner for continued operations v3.docx

We have prepared a form letter that can be used to put the CAHA concessioner and others on notice of default under their contract.

Please advise if you require Melissa's work tomorrow. As she did Friday, she can handle many if not all of these matters via telework.

Thank you.
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: **Lackey, Melissa** <melissa.lackey@sol.doi.gov>
Date: Sun, Oct 6, 2013 at 1:31 PM
Subject: Form letter
To: Barry Roth <barry.roth@sol.doi.gov>

See revised version attached

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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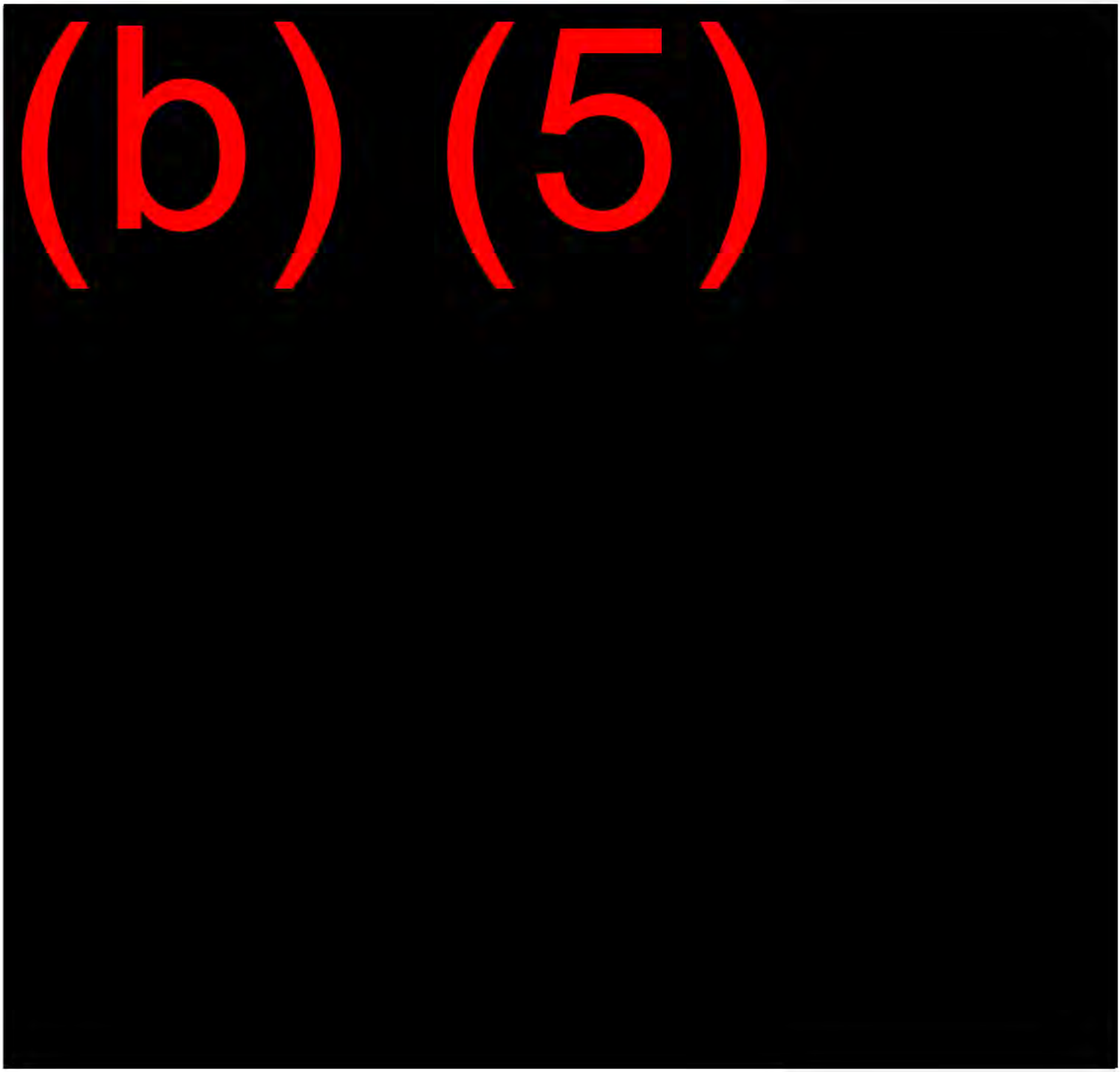
(b) (5)

From: Sholly, Cam <cam_sholly@nps.gov>
Sent: Sunday, October 06, 2013 1:48 PM
To: Margaret O'Dell; Maureen Foster
Subject: Fwd: Proposed Avon Pier Conference Call

I'll handle this unless you think differently.

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

---------- Forwarded message ----------
From: **Benge, Shawn** <shawn_benge@nps.gov>
Date: Sun, Oct 6, 2013 at 1:46 PM
Subject: Proposed Avon Pier Conference Call
To: Lena McDowall <lena_mcdowall@nps.gov>, Melissa Lackey <melissa.lackey@sol.doi.gov>, Cam Sholly <cam_sholly@nps.gov>
Cc: David Horne <david_horne@nps.gov>, William Reynolds <william_f_reynolds@nps.gov>

Can we do a conference call regarding CAHA Avon Pier at 3:30 today (Sunday)? The concession operator did open today and there is no doubt he has no intention to close his operation. SERO/CAHA will bring forward some options at 3:30 for us to discuss. I want to make sure WASO is comfortable from a national "consistency" standpoint. I also plan to invite the park to participate.

We can use the below call in info. Please let me know if 3:30 is not a good time.

Non-responsive

--
Shawn Benge
Deputy Regional Director
Southeast Region
National Park Service

Office: 404 507 5605
Cell: 404 272 7253

From: Roth, Barry <barry.roth@sol.doi.gov>
Sent: Sunday, October 06, 2013 1:51 PM
To: Sholly, Cam; Edward Boling; Edward Keable; Melissa Lackey; Foster, Maureen; O'Dell, Peggy
Subject: Re: Here are several statutory provisions
Attachments: SOL Notes 100613.docx

Added the only relevant enabling act provisions I see for New River Gorge and Little River Canyon.

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 Sun, Oct 6, 2013 at 12:23 PM, Roth, Barry <barry.roth@sol.doi.gov> wrote:
Relevant to several of the matters we discussed this morning.

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: Lena McDowall <lena_mcdowall@nps.gov>
Sent: Sunday, October 06, 2013 1:55 PM
To: O'Dell, Margaret
Cc: Sholly, Cam; Melissa Lackey; Maureen Foster
Subject: Re: Proposed Avon Pier Conference Call

3:30 works for me. -- Lena

Sent from my iPhone

On Oct 6, 2013, at 1:53 PM, "O'Dell, Margaret" <peggy_o'dell@nps.gov> wrote:

> Please include Lena in the call and potentially Melissa Lackey for her perspective please.
>
> On Sun, Oct 6, 2013 at 1:47 PM, Sholly, Cam <cam_sholly@nps.gov> wrote:
> I'll handle this unless you think differently.
>
> _____
> Cameron Sholly
> Associate Director
> Visitor and Resource Protection
> National Park Service
> (202) 565-1020-w
> (202) 501-1287-f
>
> ---------- Forwarded message ----------
> From: **Benge, Shawn** <shawn_benge@nps.gov>
> Date: Sun, Oct 6, 2013 at 1:46 PM
> Subject: Proposed Avon Pier Conference Call
> To: Lena McDowall <lena_mcdowall@nps.gov>, Melissa Lackey <melissa.lackey@sol.doi.gov>, Cam Sholly <cam_sholly@nps.gov>
> Cc: David Horne <david_horne@nps.gov>, William Reynolds <william_f_reynolds@nps.gov>
>
> Can we do a conference call regarding CAHA Avon Pier at 3:30 today (Sunday)? The concession operator did open today and there is no doubt he has no intention to close his operation. SERO/CAHA will bring forward some options at 3:30 for us to discuss. I want to make sure WASO is comfortable from a national "consistency" standpoint. I also plan to invite the park to participate.
>
> We can use the below call in info. Please let me know if 3:30 is not a good time.

Non-responsive

Non-responsive

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

From: Francis Dean <frank_dean@nps.gov>
Sent: Monday, October 07, 2013 2:29 AM
To: jon_jarvis@nps.gov; peggy_o'dell@nps.gov
Cc: lena_mcdowall@nps.gov; patty_neubacher@nps.gov
Subject: URGENT- Quick phone call Monday morning?

Hello Jon and Peggy,

if possible, I would like to speak to one or both of you Monday morning.
It is a shutdown issue regarding our distinction between a lease and concession contract One of our concessions (Cliff House) is considering reopening due to that NPS distinction and their financial hardship. I believe this is a bluff and they have been calm and reasonable thus far and they understand the implications and risk of defying our order. I told them I would speak to them again mid morning Pacific time on Monday before they took any action.

Nonetheless, as we go into week two of this shutdown, I think we should consider adjusting our stance on the lease/concession rationale for this one (yet again) where it makes sense, just as we are with our own excepted staffing needs. There is special leasing law authority regarding the Cliff House (same law as Argonaut Hotel) that could be considered that would not affect traditional NPS concessions elsewhere.
Fine to include Lena (she has been very helpful) and/or Bruce on the call, but this could become an operations issue and I want to hear from you on this as well.

You can call me starting at 0615 PDT. (415) 710-7484c

Thank you,

Frank

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

From: Foster, Maureen <maureen_foster@nps.gov>
Sent: Tuesday, October 08, 2013 10:12 AM
To: Lisa Mendelson; Jon Jarvis; Peggy O'Dell; Sue Waldron; Michael Litterst
Subject: Fwd: Just got a call from Rep. Young's staff

FYI

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

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

---------- Forwarded message ----------
From: **Laura Davis** <laura_davis@ios.doi.gov>
Date: Tue, Oct 8, 2013 at 10:10 AM
Subject: Re: Just got a call from Rep. Young's staff
To: "Neimeyer, Sarah" <sarah_neimeyer@ios.doi.gov>
Cc: Katherine Kelly <Kate_Kelly@ios.doi.gov>, Blake Androff <blake_androff@ios.doi.gov>, Nicole Buffa <nikki_buffa@ios.doi.gov>, Maureen Foster <maureen_foster@nps.gov>

Very good to know. Thanks.

Sent from my iPhone

On Oct 8, 2013, at 10:10 AM, "Neimeyer, Sarah"
<sarah_neimeyer@ios.doi.gov> wrote:

> And the rally at the Claude Moore Farm is tomorrow, not today...
>
> --
> Sarah C. Neimeyer, Director
> Office of Congressional and Legislative Affairs
> Office of the Secretary
> Department of the Interior
> 1849 C Street, NW

> Washington, DC 20240
>
> Office - (202) 208-5557
> Fax - (202) 208-5533

From: Laura Davis <laura_davis@ios.doi.gov>
Sent: Tuesday, October 08, 2013 10:12 AM
To: O'Dell Peggy; Jarvis Jon
Subject: Fwd: Just got a call from Rep. Young's staff

We are on our call now but looks like we have more time. We will call you shortly.

Sent from my iPhone

Begin forwarded message:

> **From:** "Neimeyer, Sarah" <sarah_neimeyer@ios.doi.gov>
> **Date:** October 8, 2013, 10:10:14 AM EDT
> **To:** Laura Davis <laura_davis@ios.doi.gov>, Katherine Kelly <Kate_Kelly@ios.doi.gov>, Blake Androff <blake_androff@ios.doi.gov>, Nicole Buffa <nikki_buffa@ios.doi.gov>, Maureen Foster <maureen_foster@nps.gov>
> **Subject: Just got a call from Rep. Young's staff**
>
> And the rally at the Claude Moore Farm is tomorrow, not today...
>
> --
> Sarah C. Neimeyer, Director
> Office of Congressional and Legislative Affairs
> Office of the Secretary
> Department of the Interior
> 1849 C Street, NW
> Washington, DC 20240
>
> Office - (202) 208-5557
> Fax - (202) 208-5533

From: Jarvis, Jonathan <jon_jarvis@nps.gov>
Sent: Wednesday, October 09, 2013 1:52 PM
To: Bean, Michael
Cc: Rachel L Jacobson; Margaret O'Dell; Barry Roth; Edward Boling
Subject: Re: updated - for review

Has everyone finished commenting? If so, I can circulate a new draft..

On Wed, Oct 9, 2013 at 9:36 AM, Bean, Michael <michael_bean@ios.doi.gov> wrote:
forgot to copy Jon, Peggy, and Rachel on the email below.

---------- Forwarded message ----------
From: **Bean, Michael** <michael_bean@ios.doi.gov>
Date: Wed, Oct 9, 2013 at 9:33 AM
Subject: Re: updated - for review
To: "Roth, Barry" <barry.roth@sol.doi.gov>, Edward Boling <ted.boling@sol.doi.gov>

Criteria 1,2, 3, and 5 refer to a "facility" being reopened. Criterion 4 and the paragraph that precedes the criteria arguably have a broader scope ("commercial ... operations" in the introductory paragraph; "operation" in criterion 4). I would remove any ambiguity by referring throughout to "facilities."

On Wed, Oct 9, 2013 at 9:16 AM, Roth, Barry <barry.roth@sol.doi.gov> wrote:

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: **Jarvis, Jonathan** <jon_jarvis@nps.gov>
Date: Wed, Oct 9, 2013 at 8:35 AM
Subject: Re: updated - for review
To: "Roth, Barry" <barry.roth@sol.doi.gov>, Ted Boling <Ted.Boling@sol.doi.gov>
Cc: "Waldron, Suzanne" <Sue_Waldron@nps.gov>, "Foster, Maureen" <Maureen_Foster@nps.gov>,

"McDowall, Lena" <Lena_McDowall@nps.gov>, "Sheaffer, C. B." <Bruce_Sheaffer@nps.gov>, "O'Dell, Peggy" <Peggy_O'Dell@nps.gov>

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

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

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

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

CLAUDE MOORE / [PISGAH]

With the national closure in place, the National Park Service has undertaken a thorough review of unique circumstances at the request of the [concessioner/cooperative agreement operator]. The National Park Service has determined that resumption of operations can be allowed at this time consistent with the existing contractual arrangement and the Anti-Deficiency Act.

The National Park Service will review the implementation of the closure order in regard to similarly situated partner facilities in national parks.

On background:

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

Ted Boling
Deputy Solicitor -- Parks & Wildlife
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Washington, DC 20240
202-208-4423 (main)
202-208-3125 (direct)
202-208-5584 (fax)
Ted.Boling@sol.doi.gov

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

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

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

CLAUDE MOORE / [PISGAH]

With the national closure in place, the National Park Service has undertaken a thorough review of unique circumstances related to the request of the [concessioner/cooperative agreement]. The National Park Service has determined that allowing resumption of operations can be allowed without requiring the expenditure of funds in violation of the Anti-Deficiency Act or risks to public health and safety or park resources.

The National Park Service will review the implementation of the closure order in regards to similarly situated partner facilities in national parks.

On background:

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

--

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

--
Jonathan B. Jarvis
Director, NPS

--

Michael J. Bean

Counselor to the Assistant Secretary for Fish and Wildlife and Parks

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Washington, DC 20240

202-208-4416

202-208-4684 (fax)

michael_bean@ios.doi.gov

--

Michael J. Bean

Counselor to the Assistant Secretary for Fish and Wildlife and Parks

Room 3152, Department of the Interior

Washington, DC 20240

202-208-4416

202-208-4684 (fax)

michael_bean@ios.doi.gov

--

Jonathan B. Jarvis
Director, NPS

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

First I have heard about it. Working it!

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

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

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

> For your situational awareness; didn't see this on the list of issues from this morning.
>
> Mike
>
> ~~~~~~~~~~~~~~~~~~~~
> Mike Litterst
> Chief Spokesperson (acting)
>
> National Park Service
> 1849 C Street NW
> Washington, DC 20240
> Ph: (202) 513-0354
> Cell: (202) 306-4166
>
> The National Park Service cares for special places saved by the American people so that all may experience our heritage.
>
> EXPERIENCE YOUR AMERICA
>
> ---------- Forwarded message ----------
> From: **Shutdown, DOI** <doi_shutdown@ios.doi.gov>
> Date: Tue, Oct 8, 2013 at 11:14 AM
> Subject: Re: Media Request on deadline - Businesses in NP
> To: Alexis Zotos <azotos@wate.com>
> Cc: Michael Litterst <mike_litterst@nps.gov>

Looping in with Mike Litterst with the National Park Service.

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

Hello,

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

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

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

Thank you,

Alexis Zotos

--

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

From: Roth, Barry <barry.roth@sol.doi.gov>
Sent: Tuesday, October 08, 2013 12:54 PM
To: Edward Boling; Foster, Maureen; O'Dell, Peggy; Kim Fondren; Randolph Myers
Subject: Fwd: Claude Moore Colonial Farm

I assume Lisa is aware of the current considerations. I have advised Kim that a policy change is pending.

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

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---------- Forwarded message ----------
From: **Fondren, Kim** <kim.fondren@sol.doi.gov>
Date: Tue, Oct 8, 2013 at 12:51 PM
Subject: Fwd: Claude Moore Colonial Farm
To: Barry Roth <Barry.Roth@sol.doi.gov>, Randolph Myers <randolph.myers@sol.doi.gov>

We should probably let Lisa Mendelson know.

---------- Forwarded message ----------
From: **Phillip Zane** <phillip.zane@geyergorey.com>
Date: Tue, Oct 8, 2013 at 12:49 PM
Subject: Claude Moore Colonial Farm
To: Kimberly Fondren <kimberly.fondren@sol.doi.gov>

Dear Ms. Fondren:

Thanks for your telephone message this morning. I have communicated your decision to my client and my client is very disappointed. The Farm is considering its options, one of which, of course, is to challenge the decision in court. Please rest assured, however, that the Farm will not open to the public in defiance of the Park Service's decision. The Farm is a living history museum and its visitors are school-aged children with their teachers and parents. It would be counterproductive to put those visitors at any risk. Mr. Romero seems to believe events such as Congressional press conferences and protests have been scheduled at the Farm. My

client has assured me this is not the case, and the Director of the Farm, Ms. Anna Eberly, has communicated this directly to the Park Police, with whom she spoke this morning.

The barricades that the Park Service put at the public entrance to the Farm remain in place. I understand that the staff has closed the gate to the staff and administrative entrance.

Very truly yours,

Phillip C. Zane

Phillip Zane
GeyerGorey LLP
1776 "Eye" Street, NW, 9th Floor
Washington D.C.20006
202-644-8731

Washington D.C.
GeyerGorey LLP
Attorneys At Law
202-644-9769

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Suite 700
Boston MA
02109
617-910-4252

Dallas
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Cedar
Springs Road
Dallas, TX
75225
214-865-6854

New York
112 W. 34th
Street
17th Floor
New York,
NY
10120
212-920-
0676

Philadelphia
One Liberty Plaza
36th Floor 1650
Market
Philadelphia, PA
20006
215-375-7790

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--

Kimberly Fondren
Attorney-adviser
Division of Parks and Wildlife

Office of the Solicitor
Department of Interior
202-208-4338

From: Boling, Edward <ted.boling@sol.doi.gov>
Sent: Wednesday, October 09, 2013 1:54 PM
To: Jarvis, Jonathan
Cc: Bean, Michael; Rachel L Jacobson; Margaret O'Dell; Barry Roth
Subject: Re: updated - for review

Please circulate - SOL will provide consolidated comments on that new draft.

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

On Wed, Oct 9, 2013 at 1:52 PM, Jarvis, Jonathan <jon_jarvis@nps.gov> wrote:
Has everyone finished commenting? If so, I can circulate a new draft..

On Wed, Oct 9, 2013 at 9:36 AM, Bean, Michael <michael_bean@ios.doi.gov> wrote:
forgot to copy Jon, Peggy, and Rachel on the email below.

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From: **Bean, Michael** <michael_bean@ios.doi.gov>
Date: Wed, Oct 9, 2013 at 9:33 AM
Subject: Re: updated - for review
To: "Roth, Barry" <barry.roth@sol.doi.gov>, Edward Boling <ted.boling@sol.doi.gov>

(b) (5)

On Wed, Oct 9, 2013 at 9:16 AM, Roth, Barry <barry.roth@sol.doi.gov> wrote:

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

Barry.Roth@sol.doi.gov

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From: **Jarvis, Jonathan** <jon_jarvis@nps.gov>
Date: Wed, Oct 9, 2013 at 8:35 AM
Subject: Re: updated - for review
To: "Roth, Barry" <barry.roth@sol.doi.gov>, Ted Boling <Ted.Boling@sol.doi.gov>
Cc: "Waldron, Suzanne" <Sue_Waldron@nps.gov>, "Foster, Maureen" <Maureen_Foster@nps.gov>, "McDowall, Lena" <Lena_McDowall@nps.gov>, "Sheaffer, C. B." <Bruce_Sheaffer@nps.gov>, "O'Dell, Peggy" <Peggy_O'Dell@nps.gov>

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

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

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

CLAUDE MOORE / [PISGAH]

With the national closure in place, the National Park Service has undertaken a thorough review of unique circumstances at the request of the [concessioner/cooperative agreement operator]. The National Park Service has determined that resumption of operations can be allowed at this time consistent with the existing contractual arrangement and the Anti-Deficiency Act.

The National Park Service will review the implementation of the closure order in regard to similarly situated partner facilities in national parks.

On background:

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

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

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Subject: Fwd: updated - for review
To: Jack Haugrud <jack.haugrud@sol.doi.gov>

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Ted.Boling@sol.doi.gov

---------- Forwarded message ----------
From: **Kelly, Katherine** <kate_kelly@ios.doi.gov>

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

CLAUDE MOORE / [PISGAH]

With the national closure in place, the National Park Service has undertaken a thorough review of unique circumstances related to the request of the [concessioner/cooperative agreement]. The National Park Service has determined that allowing resumption of operations can be allowed without requiring the expenditure of funds in violation of the Anti-Deficiency Act or risks to public health and safety or park resources.

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

--
Jonathan B. Jarvis
Director, NPS

--

Michael J. Bean

Counselor to the Assistant Secretary for Fish and Wildlife and Parks

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Washington, DC 20240

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202-208-4684 (fax)

michael_bean@ios.doi.gov

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Washington, DC 20240

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202-208-4684 (fax)

michael_bean@ios.doi.gov

--
Jonathan B. Jarvis
Director, NPS

From: Fondren, Kim <kim.fondren@sol.doi.gov>
Sent: Tuesday, October 08, 2013 1:11 PM
To: O'Dell, Margaret
Cc: Roth, Barry; Edward Boling; Foster, Maureen; Randolph Myers
Subject: Re: Claude Moore Colonial Farm

Okay, I know she was getting alot of calls on it.

On Tue, Oct 8, 2013 at 1:02 PM, O'Dell, Margaret <peggy_o'dell@nps.gov> wrote:
We had a conference call with all regions a little while ago so all regions are aware of the potential guidance. Thanks Kim.

On Tue, Oct 8, 2013 at 12:57 PM, Roth, Barry <barry.roth@sol.doi.gov> wrote:
No, NPS will.

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

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On Tue, Oct 8, 2013 at 12:55 PM, Fondren, Kim <kim.fondren@sol.doi.gov> wrote:
I would not assume that. An hour ago she was not aware of it. Do you want me to call her?

On Tue, Oct 8, 2013 at 12:53 PM, Roth, Barry <barry.roth@sol.doi.gov> wrote:
I assume Lisa is aware of the current considerations. I have advised Kim that a policy change is pending.

Barry N. Roth
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From: **Fondren, Kim** <kim.fondren@sol.doi.gov>
Date: Tue, Oct 8, 2013 at 12:51 PM
Subject: Fwd: Claude Moore Colonial Farm
To: Barry Roth <Barry.Roth@sol.doi.gov>, Randolph Myers <randolph.myers@sol.doi.gov>

We should probably let Lisa Mendelson know.

---------- Forwarded message ----------
From: **Phillip Zane** <phillip.zane@geyergorey.com>
Date: Tue, Oct 8, 2013 at 12:49 PM
Subject: Claude Moore Colonial Farm
To: Kimberly Fondren <kimberly.fondren@sol.doi.gov>

Dear Ms. Fondren:

Thanks for your telephone message this morning. I have communicated your decision to my client and my client is very disappointed. The Farm is considering its options, one of which, of course, is to challenge the decision in court. Please rest assured, however, that the Farm will not open to the public in defiance of the Park Service's decision. The Farm is a living history museum and its visitors are school-aged children with their teachers and parents. It would be counterproductive to put those visitors at any risk. Mr. Romero seems to believe events such as Congressional press conferences and protests have been scheduled at the Farm. My client has assured me this is not the case, and the Director of the Farm, Ms. Anna Eberly, has communicated this directly to the Park Police, with whom she spoke this morning.

The barricades that the Park Service put at the public entrance to the Farm remain in place. I understand that the staff has closed the gate to the staff and administrative entrance.

Very truly yours,

Phillip C. Zane

Phillip Zane
GeyerGorey LLP
1776 "Eye" Street, NW, 9th Floor

Washington D.C.
GeyerGorey LLP
Attorneys At Law
202-644-9769

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17th Floor
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10120
212-920-
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One Liberty Plaza
36th Floor 1650
Market
Philadelphia, PA
20006
215-375-7790

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

--
Kimberly Fondren
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202-208-4338

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

From: Boling, Edward <ted.boling@sol.doi.gov>
Sent: Tuesday, October 08, 2013 3:07 PM
To: Jonathan Jarvis; Margaret O'Dell; Foster, Maureen
Cc: Barry Roth; Jack Haugrud
Subject: Draft amendments to the Director's 10/1 Closure Determination
Attachments: National Closure Determination and Notice AK amendment 10 8 draft SOL.docx

Attached is the SOL draft, as we discussed this morning.
Barry and I will be down at 4pm to discuss.

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

[NPS letterhead.]

Amendment to National Park System Closure Determination and Notice

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

With the national closure in place, there has been the opportunity to examine specific issues that have arisen and determine whether modification or clarification of the national closure is lawful and appropriate. Based on this examination, the October 1, 2013 Closure Determination and Notice is hereby amended as follows:

14. The Director [or another WASO official?] may authorize concession-operated visitor facilities and similar cooperator-operated facilities to re-open where the Director finds that the facility:

(a) is located in a non-fee park area;
(b) is directly accessible to the public from a road that passes through a unit of the National Park System and provides primary access between points located outside of the park;
(c) will be operated by the concession holder in accordance with the existing concession contract and with no or negligible costs to the National Park Service (including oversight and concessions management costs) which would be incurred during the shutdown period; and
(d) will be operated as a self-contained visitor destination without risk to visitor health and safety or impacts park resources and values.

Any determination to allow such facilities to re-open shall be contingent on a written agreement with the concession holder or cooperator to (i) conform with any conditions deemed by the Director to be necessary to maintain public health and safety and to protect park resources and values during the shutdown period; and (ii) is subject to re-closure by the Director if he determines that the operation of the facility is requiring the expenditure of funds in violation of the Anti-Deficiency Act, or that the operation is contributing to usage by facility customers of closed park resources .

15. Based on the specific authorities for subsistence uses and access to inholdings under the Alaska National Interest Lands Conservation Act (ANILCA) and implemented at 36 CFR Part 13 and 43 C.F.R. § 36.10, the National Park Service is hereby issuing this amendment to its October 1, 2013 determination and notice to clarify its applicability to National Parks and National Preserves in Alaska. Except for subsistence uses and access to in-holdings authorized

by the foregoing regulations areas of National Parks and National Preserves in Alaska remain subject to the national closure dated October 1, 2013, during the shutdown period. To the fullest extent possible, parks will provide notice of closed facilities and operations and alert the public that limited, if any, NPS emergency responses or services will be available during the government shutdown. The closure determination and notice will expire automatically at the end of the shutdown period, except that the provisions applicable to Alaska will expire no later than October 31, 2013, in accordance with 36 CFR § 13.50(c)(3).

_____ _____

Jonathan Jarvis
Director, National Park Service

Date

From: Foster, Maureen <maureen_foster@nps.gov>
Sent: Tuesday, October 08, 2013 10:12 AM
To: Lisa Mendelson; Jon Jarvis; Peggy O'Dell; Sue Waldron; Michael Litterst
Subject: Fwd: Just got a call from Rep. Young's staff

FYI

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

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

---------- Forwarded message ----------
From: **Laura Davis** <laura_davis@ios.doi.gov>
Date: Tue, Oct 8, 2013 at 10:10 AM
Subject: Re: Just got a call from Rep. Young's staff
To: "Neimeyer, Sarah" <sarah_neimeyer@ios.doi.gov>
Cc: Katherine Kelly <Kate_Kelly@ios.doi.gov>, Blake Androff <blake_androff@ios.doi.gov>, Nicole Buffa <nikki_buffa@ios.doi.gov>, Maureen Foster <maureen_foster@nps.gov>

Very good to know. Thanks.

Sent from my iPhone

On Oct 8, 2013, at 10:10 AM, "Neimeyer, Sarah"
<sarah_neimeyer@ios.doi.gov> wrote:

> And the rally at the Claude Moore Farm is tomorrow, not today...
>
> --
> Sarah C. Neimeyer, Director
> Office of Congressional and Legislative Affairs
> Office of the Secretary
> Department of the Interior
> 1849 C Street, NW

> Washington, DC 20240
>
> Office - (202) 208-5557
> Fax - (202) 208-5533

From: Laura Davis <laura_davis@ios.doi.gov>
Sent: Tuesday, October 08, 2013 10:12 AM
To: O'Dell Peggy; Jarvis Jon
Subject: Fwd: Just got a call from Rep. Young's staff

We are on our call now but looks like we have more time. We will call you shortly.

Sent from my iPhone

Begin forwarded message:

> **From:** "Neimeyer, Sarah" <sarah_neimeyer@ios.doi.gov>
> **Date:** October 8, 2013, 10:10:14 AM EDT
> **To:** Laura Davis <laura_davis@ios.doi.gov>, Katherine Kelly <Kate_Kelly@ios.doi.gov>, Blake Androff <blake_androff@ios.doi.gov>, Nicole Buffa <nikki_buffa@ios.doi.gov>, Maureen Foster <maureen_foster@nps.gov>
> **Subject: Just got a call from Rep. Young's staff**
>
> And the rally at the Claude Moore Farm is tomorrow, not today...
>
> --
> Sarah C. Neimeyer, Director
> Office of Congressional and Legislative Affairs
> Office of the Secretary
> Department of the Interior
> 1849 C Street, NW
> Washington, DC 20240
>
> Office - (202) 208-5557
> Fax - (202) 208-5533

From: Foster, Maureen <maureen_foster@nps.gov>
Sent: Tuesday, October 08, 2013 4:09 PM
To: Jon Jarvis; Peggy O'Dell; Lisa Mendelson; Sue Waldron; Lena McDowall; Bruce Sheaffer
Subject: Fwd: Claude Moore Colonial Farm closure
Attachments: Claude Moore Colonial Farm.doc; Claude Moore Colonial Farm second letter.doc

FYI

Maureen D. Foster
Chief of Staff
National Park Service
1849 C Street, NW, Room 3114
Washington, DC 20240
202.208.5970 (direct)
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EXPERIENCE YOUR AMERICA
The National Park Service cares for special places
saved by the American people,
so that all may experience our heritage.

---------- Forwarded message ----------
From: **Neimeyer, Sarah** <sarah_neimeyer@ios.doi.gov>
Date: Tue, Oct 8, 2013 at 4:01 PM
Subject: Fwd: Claude Moore Colonial Farm closure
To: Maureen Foster <maureen_foster@nps.gov>
Cc: Katherine Kelly <Kate_Kelly@ios.doi.gov>, Laura Davis <laura_davis@ios.doi.gov>, Kevin Haugrud <jack.haugrud@sol.doi.gov>

FYI. Additional info from Rep. Young's staff.

---------- Forwarded message ----------
From: **Newman, Bruce** <bruce.newman@mail.house.gov>
Date: Tue, Oct 8, 2013 at 3:45 PM
Subject: Claude Moore Colonial Farm closure
To: "sarah_neimeyer@ios.doi.gov" <sarah_neimeyer@ios.doi.gov>

Hi Sarah,

As a follow up to our phone conversation earlier today, I wanted to pass along some additional material related to the phone call that Representative Don Young and Secretary Jewell had yesterday concerning the Claude Moore Colonial Farm.

Although the National Park Service (NPS) is the landlord of the farm, they have not provided staff or resources for the operation of the farm for the last 32 years. In fact it was a groundswell of community involvement and support that kept the farm alive when the Park Service cut the Farm from its budget in 1980. Since then, the Farm has been completely self supporting and that is where this closure of the Farm by the NPS is particularly troubling as October is their busiest month. More information on the Farm and the various programs and events can be found on their website www.1771.org. Additional information on the closing can be seen in the attached letters from Managing Director Anna Eberly, and on the Greta Van Susteren video available here: http://freebeacon.com/fox-reports-on-ordered-closing-of-colonial-farm-which-receives-no-government-funding/ .

The Claude Moore Colonial Farm has been doing an outstanding job over the years and should be praised and supported as a partner with the NPS instead of potentially being put out of business with this closure. I know that Congressman Young is eager to see this situation resolved and to get the Farm open again, especially with their Fall Market Fair scheduled for October 19 & 20.

As I mentioned during our phone call, the "Colonials Against Tyranny" protest has been rescheduled for tomorrow Wednesday October 8th. Rep. Young told Secretary Jewell that she could be a hero by helping to resolve this issue, and I certainly hope she is able to become that hero. Please keep me informed as details develop on this issue or if you need any additional information.

Thanks for your help this.

Best Regards,

Bruce Newman

--
Sarah C. Neimeyer, Director
Office of Congressional and Legislative Affairs
Office of the Secretary
Department of the Interior
1849 C Street, NW
Washington, DC 20240

Office - (202) 208-5557
Fax - (202) 208-5533

Claude Moore Colonial Farm

Living History Farm • Educational Resource • User Community

6310 Georgetown Pike • McLean, VA 22101 • 703-442-7557

Hi Folks,

For the first time in 40 years, the National Park Service (NPS) has finally succeeded in closing the Farm down to the public. In previous budget dramas, the Farm has always been exempted since the NPS provides no staff or resources to operate the Farm. We weren't even informed of this until mid-day Monday in spite of their managers having our email addresses and cell numbers.

The first casualty of this arbitrary action was the McLean Chamber of Commerce who were having a large annual event at the Pavilions on Tuesday evening. The NPS sent the Park Police over to remove the Pavilions staff and Chamber volunteers from the property while they were trying to set up for their event. Fortunately, the Chamber has friends and they were able to move to another location and salvage what was left of their party. You do have to wonder about the wisdom of an organization that would use staff they don't have the money to pay to evict visitors from a park site that operates without costing them any money.

Every appeal our Board of Directors made to the NPS administration was denied. They feel that as "landlord" they have absolute control of their property. The NPS is quoted today in the Washington Post saying "The monuments are closed because, during a shutdown, there is no money to pay the rangers who staff them", said the Park Service spokeswoman, Carol Bradley Johnson." And the agency is worried about the security of the memorials and the safety of visitors at unstaffed sites. "It is not something we enjoy doing," Johnson said. "But it's important that we protect and preserve our monuments for future generations."

What utter crap. We have operated the Farm successfully for 32 years after the NPS cut the Farm from its budget in 1980 and are fully staffed and prepared to open today. But there are barricades at the Pavilions and entrance to the Farm. And if you were to park on the grass and visit on your own, you run the risk of being arrested. Of course, that will cost the NPS staff salaries to police the Farm against intruders while leaving it open will cost them nothing.

You would think that with all the funding problems the NPS has, they would at least acknowledge the Farm's successful partnership in operating their park site - just to encourage other groups to support them in similar ways. But you would

be wrong. If the George Washington Memorial Parkway publishes posters or site brochures, the Farm is never included but other partnership parks are. Recently we were requested to attend a NPS regional park partners meeting and the NPS had put together a slide show of all of their parks and the Farm was once again - not included. We don't see how that benefits the mission of the National Park Service if it really is to preserve and protect. Or is it really just about control?

One reason that citizens worked so hard to save the Farm in 1980-81was partly because the NPS tried so hard to get rid of it. But what really saved the Farm were the individuals and families with children and who had visited, participated in programs and volunteered. Even when the Farm was operated by the NPS (1972-1981), it had a very independent and entrepreneurial spirit which attracted like minded people. After all these years, we still believe that if we are willing to work hard enough, there is nothing that we cannot accomplish. And now there are a lot more of us who feel that way than in 1980.

What does all this mean to you if you are a volunteer, visitor, program participant or customer?

Until further notice, the 18th century Farm is closed as well as the GateHouse Shop and Book Shop and Pavilions of Turkey Run. If you are volunteer coming to take care of plants and animals you are allowed on the property. Otherwise, you may be denied access.

Needless to say, we are working to get this decision reversed and have been in close touch with both Congressman Wolf and Congressman Moran who have so far been unsuccessful. Being open is very important to us both to faithfully serve our visitors and volunteers and to earn income to operate the Farm.

In all the years I have worked with the National Park Service, first as a volunteer for 6 years in Richmond where I grew up, then as an NPS employee at the for 8 very long years and now enjoyably as managing director for the last 32 years - I have never worked with a more arrogant, arbitrary and vindictive group representing the NPS.

I deeply apologize that we have to disappoint you today by being closed but know that we are working while the National Park Service is not - as usual.

Thank you so very much for all of the support that you give to us.

Anna Eberly
Managing Director

Claude Moore Colonial Farm

Living History Farm • Educational Resource • User Community

6310 Georgetown Pike • McLean, VA 22101 • 703-442-7557

Hi Folks,
Wow, thank you so much for your overwhelming support for the Farm. It has been so heartwarming to receive your expressions of support and comments about our current situation.

We especially appreciate all of you that posted, forwarded, blogged, tweeted and facebooked the CMCFNews which brought an avalanche of inquiries from the media. There have been phone interviews with media outlets from across the country and the UK, online and print articles and last night a very favorable piece done by Fox 5 who made a trip to the Farm yesterday. We spent a very enjoyable afternoon today with Griff Jenkins and his cameraman Martin from Fox National News which will be on the Greta Van Susteren show tonight at 10 pm. It was fun because the cameraman knew the Farm as he brought his children all the time when they were younger.

Unfortunately, the National Park Service remains unmovable and also unreachable due to the shutdown so nothing has changed for us.

I would like to answer some of the questions that I have received from some of you in this "group setting".

We are critical of the National Park Service because we think they have closed us down illegally according to the terms of the agreement we signed with them in 1981. The agreement states that we will operate the Farm and open it to the public and the only thing they will provide is police protection if needed. Many years ago, we decided that calling the Fairfax County Police if needed (they have joint jurisdiction) worked better for our situation. And because of our proximity to the Central Intelligence Agency, we have probably the best security on earth. The CIA has also treated us with great decency and respect and we value them highly as our neighbors.

The reason that it is so important that we remain open is because of the income we receive from Pavilion rentals, admissions, sales and program fees. We have had to cancel every event at the Farm this week so we have already lost more than $15,000 in operating income because October is the busiest month of the year for us. When the Federal government reopens, as it inevitably will, they will be funded by all of us. The Farm may never reopen again if we cannot open soon because we don't have any other source of revenue except that which we earn for ourselves.

The staff has been here all week in spite of being threatened with arrest because we feel our cause is just and the Farm is worth protecting. And many of our volunteers are Federal employees that now have time on their hands. They could be here volunteering but are banned from the Farm. What an incredibly stupid waste of time and talent.

It is true that my comments about the National Park Service were harsh but they are based on 40 years of dealing with them so I do speak from experience. The NPS has some wonderfully dedicated professional employees who would probably lay down their lives for our parks. Unfortunately, they don't seem to be in charge anymore. The future of the NPS rests with the goodwill of the American people and groups such as ours that could help them protect and manage their vast resources. But treating your partners with disdain and contempt dooms future possibilities for healthy cooperative ventures. I wonder what would have happened at the mall if the NPS had reached out to the VFW and American Legion to provide volunteers instead of placing paid armed guards?

Hopefully our appeals will eventually reach the right people and they will come to the same conclusion we have. Our agreement gives us the right and the duty to be open to the public.

Please keep the comments coming and feel free to pass this on. With your help and support, we will win this fight! See you at Market Fair later this month. And we will definitely keep you posted.

Best Wishes,

Anna Eberly
Managing Director

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

On Tue, Oct 8, 2013 at 4:31 PM, Reynolds, William <william_f_reynolds@nps.gov> wrote:
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

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 4:00 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.

Thanks,

Bill

--
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

--
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.

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

Barry is talking to jack

Sent from my iPhone

From: Jarvis, Jonathan <jon_jarvis@nps.gov>
Sent: Wednesday, October 09, 2013 12:53 PM
To: Roth, Barry
Cc: Kevin Haugrud; Edward Boling; O'Dell, Peggy; Rachel Jacobson; Michael Bean; Melissa Lackey
Subject: Re: Agreement

looks fine to me.

Jon

On Wed, Oct 9, 2013 at 12:49 PM, Roth, Barry <barry.roth@sol.doi.gov> wrote:
With some just in edits from Main Justice here is the letter we would like to send in draft to Pisgah's counsel asap. Pisgah has apparently posted on Facebook they expect to open at 5 today.

Bruce and Lena, the AUSA and DPW are fine with this letter with time being of the essence.

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: **Taylor, Paul (USANCW)** <Paul.Taylor@usdoj.gov>
Date: Wed, Oct 9, 2013 at 12:40 PM
Subject: RE: Agreement
To: "Roth, Barry" <barry.roth@sol.doi.gov>
Cc: "Lackey, Melissa" <melissa.lackey@sol.doi.gov>, Edward Boling <ted.boling@sol.doi.gov>

Folks:

My colleagues at Main DOJ propose the minor edits in the attached draft.

Paul B. Taylor

Assistant U. S. Attorney

Civil Chief

U.S. Courthouse, Room 233

100 Otis Street

Asheville, NC 28801

828-271-4661 (Main Tel. #)

828-271-4327 (Civil fax #)

828-259-0655 (PBT direct dial)

From: Roth, Barry [mailto:barry.roth@sol.doi.gov]
Sent: Wednesday, October 09, 2013 11:43 AM
To: Taylor, Paul (USANCW)
Cc: Lackey, Melissa; Edward Boling
Subject: Re: Agreement

We will do it, here is slightly cleaned up version, which I will run by the clients now. Thank you and I will get back to you ASAP.

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 Wed, Oct 9, 2013 at 11:38 AM, Taylor, Paul (USANCW) <Paul.Taylor@usdoj.gov> wrote:

I agree with this version. Do you want me to clean it up or will your office do that?

Paul B. Taylor

Assistant U. S. Attorney

Civil Chief

U.S. Courthouse, Room 233

100 Otis Street

Asheville, NC 28801

828-271-4661 (Main Tel. #)

828-271-4327 (Civil fax #)

828-259-0655 (PBT direct dial)

From: Roth, Barry [mailto:barry.roth@sol.doi.gov]
Sent: Wednesday, October 09, 2013 11:36 AM
To: Lackey, Melissa
Cc: Taylor, Paul (USANCW); Edward Boling
Subject: Re: Agreement

Paul, I know it has some formatting problems, but here is the substance of how I would do this letter as we just discussed. If you are OK, I will confirm with NPS and get back to you ASAP.

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 Wed, Oct 9, 2013 at 10:02 AM, Lackey, Melissa <melissa.lackey@sol.doi.gov> wrote:

Paul:

Let me know what you think of the attached. You are not authorized to release it to Plaintiffs' counsel yet. Ted and Barry are currently meeting with the Secretary and the Director on concession matters and want to make sure this letter is in accordance with the outcome of that meeting. I expect word from them within one-half hour or so.

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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its contents is strictly prohibited. If you received this e-mail in error, please notify the sender immediately and destroy all copies.

On Wed, Oct 9, 2013 at 9:32 AM, Taylor, Paul (USANCW) <Paul.Taylor@usdoj.gov> wrote:

Hi Melissa:

Jon Yarbrough said his client will agree to the terms we discussed this morning subject only to Jon being able to look at and agree to the language of the letters.

Please send those as soon as you can.

Paul

Paul B. Taylor

Assistant U. S. Attorney

Civil Chief

U.S. Courthouse, Room 233

100 Otis Street

Asheville, NC 28801

828-271-4661 (Main Tel. #)

828-271-4327 (Civil fax #)

828-259-0655 (PBT direct dial)

--
Jonathan B. Jarvis
Director, NPS

From: Jacobson, Rachel <rachel_jacobson@ios.doi.gov>
Sent: Wednesday, October 09, 2013 12:58 PM
To: Roth, Barry
Cc: Kevin Haugrud; Edward Boling; Jonathan Jarvis; O'Dell, Peggy; Michael Bean; Melissa Lackey
Subject: Re: Agreement

Should we add something specific about indemnification? I suggested it as a condition in our internal criteria.

On Wed, Oct 9, 2013 at 12:49 PM, Roth, Barry <barry.roth@sol.doi.gov> wrote:
With some just in edits from Main Justice here is the letter we would like to send in draft to Pisgah's counsel asap. Pisgah has apparently posted on Facebook they expect to open at 5 today.

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

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Date: Wed, Oct 9, 2013 at 12:40 PM
Subject: RE: Agreement
To: "Roth, Barry" <barry.roth@sol.doi.gov>
Cc: "Lackey, Melissa" <melissa.lackey@sol.doi.gov>, Edward Boling <ted.boling@sol.doi.gov>

Folks:

My colleagues at Main DOJ propose the minor edits in the attached draft.

Paul B. Taylor

Assistant U. S. Attorney

Civil Chief

U.S. Courthouse, Room 233

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828-259-0655 (PBT direct dial)

From: Roth, Barry [mailto:barry.roth@sol.doi.gov]
Sent: Wednesday, October 09, 2013 11:43 AM
To: Taylor, Paul (USANCW)
Cc: Lackey, Melissa; Edward Boling
Subject: Re: Agreement

We will do it, here is slightly cleaned up version, which I will run by the clients now. Thank you and I will get back to you ASAP.

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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Paul B. Taylor

Assistant U. S. Attorney

Civil Chief

U.S. Courthouse, Room 233

100 Otis Street

Asheville, NC 28801

828-271-4661 (Main Tel. #)

828-271-4327 (Civil fax #)

828-259-0655 (PBT direct dial)

From: Roth, Barry [mailto:barry.roth@sol.doi.gov]
Sent: Wednesday, October 09, 2013 11:36 AM
To: Lackey, Melissa
Cc: Taylor, Paul (USANCW); Edward Boling
Subject: Re: Agreement

Paul, I know it has some formatting problems, but here is the substance of how I would do this letter as we just discussed. If you are OK, I will confirm with NPS and get back to you ASAP.

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 Wed, Oct 9, 2013 at 10:02 AM, Lackey, Melissa <melissa.lackey@sol.doi.gov> wrote:

Paul:

Let me know what you think of the attached. You are not authorized to release it to Plaintiffs' counsel yet. Ted and Barry are currently meeting with the Secretary and the Director on concession matters and want to make sure this letter is in accordance with the outcome of that meeting. I expect word from them within one-half hour or so.

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 Wed, Oct 9, 2013 at 9:32 AM, Taylor, Paul (USANCW) <Paul.Taylor@usdoj.gov> wrote:

Hi Melissa:

Jon Yarbrough said his client will agree to the terms we discussed this morning subject only to Jon being able to look at and agree to the language of the letters.

Please send those as soon as you can.

Paul

Paul B. Taylor

Assistant U. S. Attorney

Civil Chief

U.S. Courthouse, Room 233

100 Otis Street

Asheville, NC 28801

828-271-4661 (Main Tel. #)

828-271-4327 (Civil fax #)

828-259-0655 (PBT direct dial)

From: McDowall, Lena <lena_mcdowall@nps.gov>
Sent: Wednesday, October 09, 2013 12:59 PM
To: Jonathan Jarvis; Peggy O'Dell
Subject: Major Concessioner Phone Numbers

I had Aramark, DNC and Xanterra contacts on my desk, but Forever Resorts and GSI contact information is in Sharepoint. Sharepoint and Inside NPS are currently down - Shane is working on it. As soon as Sharepoint is up, I'll find the others.

Aramark
Bruce Fears, President
ph: (425) 957-9700
cell: (425) 503-5748

Delaware North
Rick Abramson, President
(716) 858-5011
cell: (321) 427-1166

Xanterra
Andy Todd, President & CEO
(303) 600-3405

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

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Tuesday, October 08, 2013 6:59 PM
To: Jon Jarvis; Peggy O'Dell; Maureen Foster; Lena McDowall; Cam Sholly; Barry Roth; Edward Boling; Lisa Mendelson; Jennifer Mummart; Bruce Sheaffer
Cc: Mike Litterst; Kate Kelly; Blake Androff
Subject: quick review - claude moore and pisgah
Attachments: Claude Moore_Pisgah.docx

if we get calls....

--
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

Claude Moore

After a comprehensive review of the very specific circumstances at Claude Moore Colonial Farm, the National Park Service has determined that allowing the farm to remain open is consistent with the National Park Service contingency plan during the government shutdown. The farm must operate without any NPS assistance until the shutdown is over

If asked:

Because every situation is different, NPS will make case-by-case determinations on requests for reconsideration of including partner facilities in the closure of national parks.

Pisgah

As part of a court settlement, and after a comprehensive review of the very specific circumstances at the Pisgah Inn, the National Park Service has determined that allowing the establishment to remain open is a better use of limited NPS resources and is consistent with the National Park Service contingency plan during the government shutdown. The Inn must operate without any NPS assistance until the shutdown is over.

If asked:

Because every situation is different, NPS will make case-by-case determinations on requests for reconsideration of including partner facilities in the closure of national parks.

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

From: Lisa Mendelson <lisa_mendelson-ielmini@nps.gov>
Sent: Tuesday, October 08, 2013 7:18 PM
To: Peggy O'Dell
Cc: Maureen Foster
Subject: Claude Moore

Supt Romero has reached out to the Board Chair, Margaret Vanderhye to convey the information. He has left 2 messages for her and will advise when he's reached her.

Thx for your support.

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

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Tuesday, October 08, 2013 7:19 PM
To: Jon Jarvis; Peggy O'Dell; Maureen Foster; Lena McDowall; Cam Sholly; Barry Roth; Edward Boling; Lisa Mendelson; Jennifer Mummart; Bruce Sheaffer
Cc: Mike Litterst; Kate Kelly; Blake Androff
Subject: Re: quick review - claude moore and pisgah

ignore this - another version under review by sol which is revising - so guess we will reconnect tomorrow

leaving!

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

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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:

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

Here is what Jack and Ted gave back to Kate.

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

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

CLAUDE MOORE / [PISGAH]

With the national closure in place, the National Park Service has undertaken a thorough review of unique circumstances at the request of the [concessioner/cooperative agreement operator]. The National Park Service has determined that resumption of operations can be allowed at this time consistent with the existing contractual arrangement and the Anti-Deficiency Act.

The National Park Service will review the implementation of the closure order in regard to similarly situated partner facilities in national parks.

On background:

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

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

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

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

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

CLAUDE MOORE / [PISGAH]

With the national closure in place, the National Park Service has undertaken a thorough review of unique circumstances related to the request of the [concessioner/cooperative agreement]. The National Park Service has determined that allowing resumption of operations can be allowed without requiring the expenditure of funds in violation of the Anti-Deficiency Act or risks to public health and safety or park resources.

The National Park Service will review the implementation of the closure order in regards to similarly situated partner facilities in national parks.

On background:

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

--

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

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

Here is the updated SOL-approved version:

With the national closure in place, the National Park Service has undertaken a thorough review of unique circumstances at the request of the [concessioner/cooperative agreement operator]. The National Park Service has determined that resumption of operations can be allowed at this time consistent with the existing contractual arrangement and the Anti-Deficiency Act.

The National Park Service will review the implementation of the closure order in regard to similarly situated partner facilities in national parks.

On background:

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

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

leaving!

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if we get calls....

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

From: Roth, Barry <barry.roth@sol.doi.gov>
Sent: Wednesday, October 09, 2013 1:01 PM
To: Jacobson, Rachel
Cc: Kevin Haugrud; Edward Boling; Jonathan Jarvis; O'Dell, Peggy; Michael Bean; Melissa Lackey; McDowall, Lena
Subject: Re: Agreement

ATTORNEY CLIENT PRIVILEGED 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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On Wed, Oct 9, 2013 at 12:58 PM, Jacobson, Rachel <rachel_jacobson@ios.doi.gov> wrote:
Should we add something specific about indemnification? I suggested it as a condition in our internal criteria.

On Wed, Oct 9, 2013 at 12:49 PM, Roth, Barry <barry.roth@sol.doi.gov> wrote:
With some just in edits from Main Justice here is the letter we would like to send in draft to Pisgah's counsel asap. Pisgah has apparently posted on Facebook they expect to open at 5 today.

Bruce and Lena, the AUSA and DPW are fine with this letter with time being of the essence.

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From: **Taylor, Paul (USANCW)** <Paul.Taylor@usdoj.gov>
Date: Wed, Oct 9, 2013 at 12:40 PM
Subject: RE: Agreement
To: "Roth, Barry" <barry.roth@sol.doi.gov>
Cc: "Lackey, Melissa" <melissa.lackey@sol.doi.gov>, Edward Boling <ted.boling@sol.doi.gov>

Folks:

My colleagues at Main DOJ propose the minor edits in the attached draft.

Paul B. Taylor

Assistant U. S. Attorney

Civil Chief

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Sent: Wednesday, October 09, 2013 11:43 AM
To: Taylor, Paul (USANCW)
Cc: Lackey, Melissa; Edward Boling
Subject: Re: Agreement

We will do it, here is slightly cleaned up version, which I will run by the clients now. Thank you and I will get back to you ASAP.

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To: Lackey, Melissa
Cc: Taylor, Paul (USANCW); Edward Boling
Subject: Re: Agreement

Paul, I know it has some formatting problems, but here is the substance of how I would do this letter as we just discussed. If you are OK, I will confirm with NPS and get back to you ASAP.

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Division of Parks & Wildlife

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Sent: Wednesday, October 09, 2013 1:03 PM
To: Jacobson, Rachel
Cc: Kevin Haugrud; Edward Boling; Jonathan Jarvis; O'Dell, Peggy; Michael Bean; Melissa Lackey
Subject: Re: Agreement

I have Jack's and Jon's OK and need to get this back to DOJ ASAP. Rachel are you OK with my response just now and I can proceed.

Barry N. Roth
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Cc: jack.haugrud@sol.doi.gov; Ted.Boling@sol.doi.gov; Jon_Jarvis@nps.gov; peggy_o'dell@nps.gov; Michael_Bean@ios.doi.gov; melissa.lackey@sol.doi.gov
Subject: Re: Agreement

Yes.

From: Roth, Barry [mailto:barry.roth@sol.doi.gov]
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To: Jacobson, Rachel <rachel_jacobson@ios.doi.gov>
Cc: Kevin Haugrud <jack.haugrud@sol.doi.gov>; Edward Boling <ted.boling@sol.doi.gov>; Jonathan Jarvis <jon_jarvis@nps.gov>; O'Dell, Peggy <Peggy_O'Dell@nps.gov>; Michael Bean <michael_bean@ios.doi.gov>; Melissa Lackey <melissa.lackey@sol.doi.gov>
Subject: Re: Agreement

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

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On Wed, Oct 9, 2013 at 12:58 PM, Jacobson, Rachel <rachel_jacobson@ios.doi.gov> wrote:
Should we add something specific about indemnification? I suggested it as a condition in our internal criteria.

On Wed, Oct 9, 2013 at 12:49 PM, Roth, Barry <barry.roth@sol.doi.gov> wrote:
With some just in edits from Main Justice here is the letter we would like to send in draft to Pisgah's counsel asap. Pisgah has apparently posted on Facebook they expect to open at 5 today.

Bruce and Lena, the AUSA and DPW are fine with this letter with time being of the essence.

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: **Taylor, Paul (USANCW)** <Paul.Taylor@usdoj.gov>
Date: Wed, Oct 9, 2013 at 12:40 PM
Subject: RE: Agreement
To: "Roth, Barry" <barry.roth@sol.doi.gov>
Cc: "Lackey, Melissa" <melissa.lackey@sol.doi.gov>, Edward Boling <ted.boling@sol.doi.gov>

Folks:

My colleagues at Main DOJ propose the minor edits in the attached draft.

Paul B. Taylor

Assistant U. S. Attorney

Civil Chief

U.S. Courthouse, Room 233

100 Otis Street

Asheville, NC 28801

828-271-4661 (Main Tel. #)

828-271-4327 (Civil fax #)

828-259-0655 (PBT direct dial)

From: Roth, Barry [mailto:barry.roth@sol.doi.gov]
Sent: Wednesday, October 09, 2013 11:43 AM
To: Taylor, Paul (USANCW)
Cc: Lackey, Melissa; Edward Boling
Subject: Re: Agreement

We will do it, here is slightly cleaned up version, which I will run by the clients now. Thank you and I will get back to you ASAP.

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 Wed, Oct 9, 2013 at 11:38 AM, Taylor, Paul (USANCW) <Paul.Taylor@usdoj.gov> wrote:

I agree with this version. Do you want me to clean it up or will your office do that?

Paul B. Taylor

Assistant U. S. Attorney

Civil Chief

U.S. Courthouse, Room 233

100 Otis Street

Asheville, NC 28801

828-271-4661 (Main Tel. #)

828-271-4327 (Civil fax #)

828-259-0655 (PBT direct dial)

From: Roth, Barry [mailto:barry.roth@sol.doi.gov]
Sent: Wednesday, October 09, 2013 11:36 AM
To: Lackey, Melissa
Cc: Taylor, Paul (USANCW); Edward Boling
Subject: Re: Agreement

Paul, I know it has some formatting problems, but here is the substance of how I would do this letter as we just discussed. If you are OK, I will confirm with NPS and get back to you ASAP.

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 Wed, Oct 9, 2013 at 10:02 AM, Lackey, Melissa <melissa.lackey@sol.doi.gov> wrote:

Paul:

Let me know what you think of the attached. You are not authorized to release it to Plaintiffs' counsel yet. Ted and Barry are currently meeting with the Secretary and the Director on concession matters and want to make sure this letter is in accordance with the outcome of that meeting. I expect word from them within one-half hour or so.

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 Wed, Oct 9, 2013 at 9:32 AM, Taylor, Paul (USANCW) <Paul.Taylor@usdoj.gov> wrote:

Hi Melissa:

Jon Yarbrough said his client will agree to the terms we discussed this morning subject only to Jon being able to look at and agree to the language of the letters.

Please send those as soon as you can.

Paul

Paul B. Taylor

Assistant U. S. Attorney

Civil Chief

U.S. Courthouse, Room 233

100 Otis Street

Asheville, NC 28801

828-271-4661 (Main Tel. #)

828-271-4327 (Civil fax #)

828-259-0655 (PBT direct dial)

From: Litterst, Michael <mike_litterst@nps.gov>
Sent: Tuesday, October 08, 2013 11:31 AM
To: Jonathan Jarvis; Margaret O'Dell; Maureen Foster; Cam Sholly; Sue Waldron
Subject: Fwd: Media Request on deadline - Businesses in NP

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

Mike

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

Mike Litterst
Chief Spokesperson (acting)

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

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

EXPERIENCE YOUR AMERICA

---------- Forwarded message ----------
From: **Shutdown, DOI** <doi_shutdown@ios.doi.gov>
Date: Tue, Oct 8, 2013 at 11:14 AM
Subject: Re: Media Request on deadline - Businesses in NP
To: Alexis Zotos <azotos@watc.com>
Cc: Michael Litterst <mike_litterst@nps.gov>

Looping in with Mike Litterst with the National Park Service.

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

Hello,

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

Can the rangers arrest him? What is the protocol for dealing with businesses who violate the shutdown orders. If
~~~~~~~~~~~~~~~~~~~~

possible I would like to speak with one of the local rangers at Big South Fork that is currently still working.

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

Thank you,

Alexis Zotos

From: Litterst, Michael <mike_litterst@nps.gov>
Sent: Tuesday, October 08, 2013 11:31 AM
To: Jonathan Jarvis; Margaret O'Dell; Maureen Foster; Cam Sholly; Sue Waldron
Subject: Fwd: Media Request on deadline - Businesses in NP

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

Thank you,

Alexis Zotos

From: Derrick Crandall <dcrandall@funoutdoors.com>
Sent: Tuesday, October 08, 2013 11:36 AM
To: Peggy O'Dell (Peggy_O'Dell@nps.gov); Sue Waldron (Sue_Waldron@nps.gov); Lena McDowall (Lena_McDowall@nps.gov); Ben Erichsen (John_Erichsen@nps.gov)
Cc: Gordon R. Taylor (gtaylor@xanterra.com); Derek Zwickey; John Schoppmann (jschoppmann@foreverresorts.com); Bill Butts (bbutts@foreverresorts.com)
Subject: Coverage of the Shutdown's Impact on Concessioner Employees
Attachments: Grand Canyon food shortage turns dire.pdf

See the attached story in the Arizona Daily Sun. Not a pretty picture.

Derrick

Derrick A. Crandall, President
American Recreation Coalition
1200 G Street, N.W. Suite 650
Washington, D.C. 20005
202-682-9530, F 202-682-9529
www.funoutdoors.com

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Grand Canyon food shortage turns dire

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3 hours ago • ERIC BETZ Sun Staff Reporter

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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.

For FJA students on annual bike ride to Grand Canyon, destination unknown

The 26 bike riders set out from the base of the San Francisco Peaks on Monday morning not knowing their final destination. Read more

Shutdown not having much impact Flagstaff hotels, campgrounds

Grand Canyon National Park has been closed for a week, but most Flagstaff hotels and campgrounds have yet to feel the effects one way or the other. Read more

Tusayan hurting; protest planned

By Daily Sun Staff Read more

How to help ...

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

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Flagstaff Apartment

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.

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.

'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.

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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."

Eric Betz can be reached at 556-2250 or ebetz@azdailysun.com.

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Helicopter crash shines light on shooters (Flagstaff and northern Arizona News, Classified, Events and Directory)

?

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

Not cleared yet but I am doing my part

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

Sent from my iPhone

Begin forwarded message:

> **From:** "Roth, Barry" <barry.roth@sol.doi.gov>
> **Date:** October 10, 2013, 5:15:49 PM EDT
> **To:** Kevin Haugrud <jack.haugrud@sol.doi.gov>, Edward Boling <ted.boling@sol.doi.gov>, Edward Keable <edward.keable@sol.doi.gov>, Mark Teskey <mark.teskey@sol.doi.gov>
> **Subject: For Jack and Ted**
>
> But you general lawyers are welcome to weigh in. Peggy and Jon are asking and Nicky Buffa is anxious to send a draft to the White House.
>
> I late out more our justification for closing first because an orderly transition would not give time to review each of thousands of permits and agreements for ADA compliance--that would give several of us a couple years of work--and I followed what OMB or whoever had raised that it needed an opportunity to request to also try to create an exhaustion requirement.
>
> 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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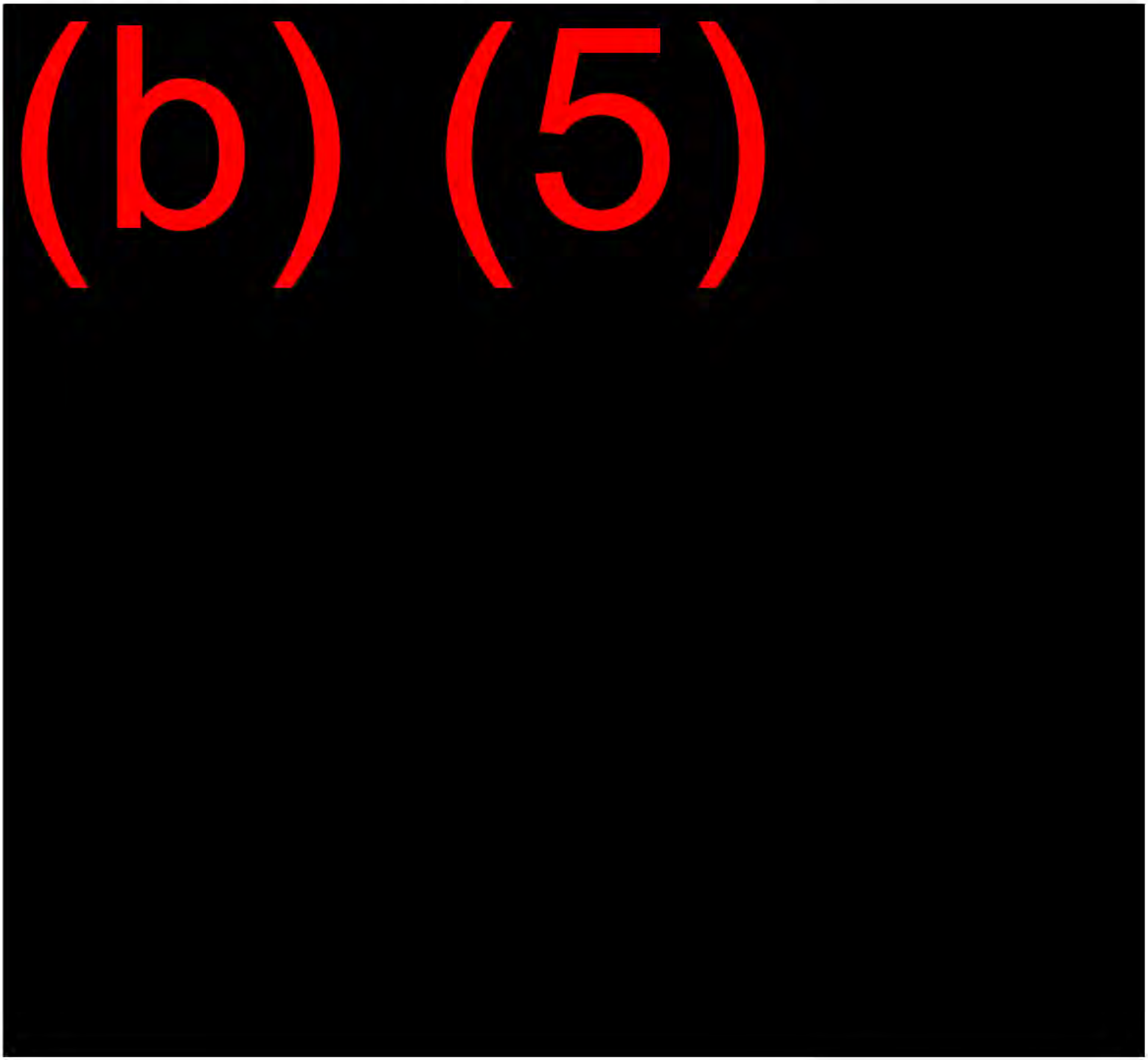
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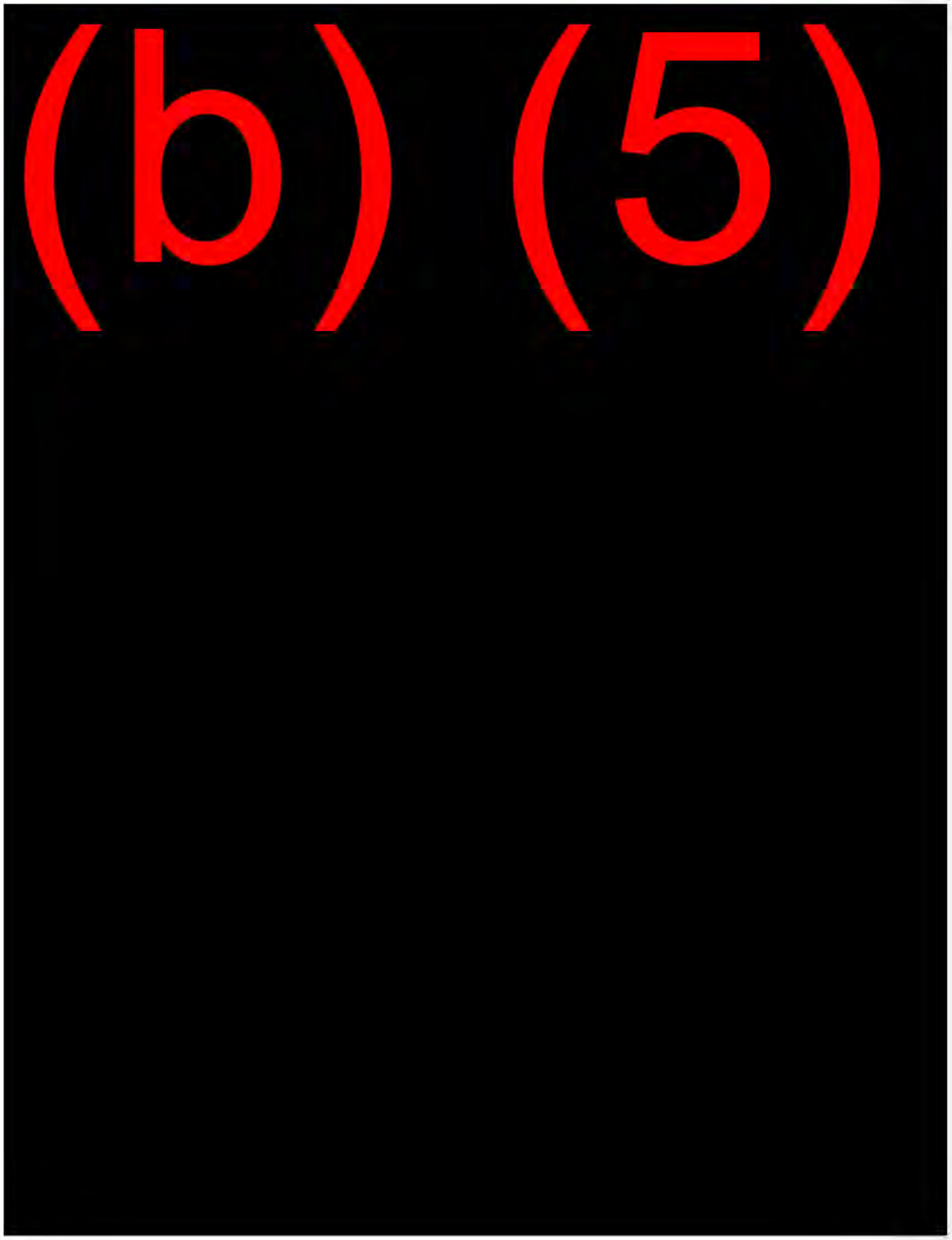
(b) (5)

(b) (5)

From: Bob Vogel <bob_vogel@nps.gov>
Sent: Friday, October 11, 2013 3:48 PM
To: Maureen Foster; Margaret O'Dell; Jon Jarvis
Subject: Fwd: NPS deal

Sent from my iPhone

Begin forwarded message:

> **From:** Paul Tetreault <pault@fords.org>
> **Date:** October 11, 2013, 3:36:46 PM EDT
> **To:** "Vogel, Bob" <bob_vogel@nps.gov>
> **Subject: FW: NPS deal**
>
> Bob,
>
> Please let me know if this is what you are looking for and if we can get some response from this today or tomorrow.
>
> Paul
>
> **********
> Paul R. Tetreault
> Director
> Ford's Theatre Society
> 514 Tenth Street, NW
> Washington, DC 20004
> 202-434-9540
> pault@fords.org
>
> **Visit our website at www.fords.org**
>
> ---
>
> **From:** Douglas Wilson
> **Sent:** Friday, October 11, 2013 3:31 PM
> **To:** Paul Tetreault
> **Subject:** NPS deal
>
> Evening performances by Ford's Theatre Society in the historic Ford's Theatre currently consume minimal federal resources. National Park Service administration and the rangers that assist with interpretation in the Theatre and in the Petersen House work during the hours of 8:00-5:30. Our evening performances start no earlier than 7:30 p.m. As patrons begin arriving, the Ford's Theatre Society staff is on hand to provide house management services in both the Society's lobby space and the Theatre. Ford's Theatre Society works with a roster of civilian volunteers who assist patrons with seating and emergencies as well as to help enforce NPS regulations regarding food, drink, and gum in the historic Theatre. All running crew, actors, and stage management are also Ford's Theatre Society employees paid by the Society.

Expenses that are incurred by NPS during Ford's Theatre Society performances are guard services and utilities. While there could be some incremental heating, cooling, and electrical expense because of the number of people in the space and the lighting of performances, most guard and utility expenses are incurred by NPS whether Ford's Theatre Society is hosting performances or not.

In the spirit of continued cooperation between the Society and NPS, the Society would agree, during this protracted government shutdown, to reimburse the National Park Service for the incremental utility costs associated with Ford's Theatre Society performances that take place in the Theatre. I'm sure we can agree on a baseline expense based on utility costs thus far during the shutdown, so that the Society's incremental costs can be determined.

Douglas Wilson
Director of Finance
Ford's Theatre Society
514 Tenth Street, NW
Washington, DC 20004
Phone: 202-434-9554 (direct)
www.fords.org
dwilson@fords.org

From: Buffa, Nicole <nicole_buffa@ios.doi.gov>
Sent: Friday, October 11, 2013 7:36 PM
To: Haugrud, Kevin
Cc: Maureen Foster; Margaret O'Dell; Jon Jarvis; Rachel Jacobson; Barry Roth; Ted Boling
Subject: Re: Pending Concessions Requests

Get 'er done people. Thanks!

On Fri, Oct 11, 2013 at 7:25 PM, Haugrud, Kevin <jack.haugrud@sol.doi.gov> wrote:
Addendum: I've been informed that NPS could also act immediately on Wawona Hotel and Grocery Store at YOSE as well.

On Fri, Oct 11, 2013 at 7:22 PM, Haugrud, Kevin <jack.haugrud@sol.doi.gov> wrote:
Nikki: Shown below are the pending requests by concession operators to reopen. OMB General Counsel has approved the use of the review criteria we provided to her with nonsubstantive edits. The starred requests shown below are ones the NPS could act on immediately (I understand perhaps as early as this evening). Let us know if further coordination is required or whether the NPS may act upon the starred requests. Jack

cc Maureen, Peggy, Jon, Rachel, Barry, Ted

---------- Forwarded message ----------
From: **McDowall, Lena** <lena_mcdowall@nps.gov>
Date: Fri, Oct 11, 2013 at 7:12 PM
Subject: Pending Concessions Requests
To: Rachel Jacobson <rachel_jacobson@ios.doi.gov>, Kevin Haugrud <jack.haugrud@sol.doi.gov>

Jack -

Pending Requests.

Big Bend NP - Far Flung Outdoor Center
Blue Ridge Parkway - Peaks of Otter Lodge*
Everglades NP - Shark Valley TRF Concession Specialists Inc.
Golden Gate National Recreation Area - Cliff House*
Golden Gate National Recreation Area - Hostels International/Golden Gate Council*
Great Smoky Mountains NP - LeConte Lodge
Gulf Islands NS - Ship Island Excursions
Independence National Historical Park - City Tavern*
National Capital Parks East - James Creek Marina
National Capital Region - East Potomac, Rock Creek and Langston Golf Courses
Olympic NP - Lake Crescent Lodge
Olympic NP - Kalaloch Lodge

Lena

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

--

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

From: Buffa, Nicole <nicole_buffa@ios.doi.gov>
Sent: Friday, October 11, 2013 7:38 PM
To: Haugrud, Kevin
Cc: Maureen Foster; Margaret O'Dell; Jon Jarvis; Rachel Jacobson; Barry Roth; Ted Boling; Blake Androff
Subject: Concessionaires

Now that we are getting such a big chunk out, I do think one of our first priorities has to be getting our concessionaire policy up on our website. I know we are all busy, let me know how I can help.

From: Buffa, Nicole <nicole_buffa@ios.doi.gov>
Sent: Friday, October 11, 2013 7:38 PM
To: Haugrud, Kevin
Cc: Maureen Foster; Margaret O'Dell; Jon Jarvis; Rachel Jacobson; Barry Roth; Ted Boling; Blake Androff
Subject: Re: Pending Concessions Requests

+ Blake for awareness. He is working on an if asked statement.

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Date: Fri, Oct 11, 2013 at 7:12 PM
Subject: Pending Concessions Requests
To: Rachel Jacobson <rachel_jacobson@ios.doi.gov>, Kevin Haugrud <jack.haugrud@sol.doi.gov>

Jack -

Pending Requests.

Big Bend NP - Far Flung Outdoor Center
Blue Ridge Parkway - Peaks of Otter Lodge*
Everglades NP - Shark Valley TRF Concession Specialists Inc.
Golden Gate National Recreation Area - Cliff House*
Golden Gate National Recreation Area - Hostels International/Golden Gate Council*
Great Smoky Mountains NP - LeConte Lodge
Gulf Islands NS - Ship Island Excursions
Independence National Historical Park - City Tavern*
National Capital Parks East - James Creek Marina
National Capital Region - East Potomac, Rock Creek and Langston Golf Courses
Olympic NP - Lake Crescent Lodge
Olympic NP - Kalaloch Lodge

President's Park - GSI Concession on the White House Elipse
Yosemite NP - Wawona Hotel and Grocery Store

Lena

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

--

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

From: Buffa, Nicole <nicole_buffa@ios.doi.gov>
Sent: Friday, October 11, 2013 8:23 PM
To: Haugrud, Kevin
Cc: Nicole Buffa; Jon Jarvis; Margaret O'Dell; Maureen Foster; Barry Roth; Ted Boling; Blake Androff; Robert Eaton; Laura Davis
Subject: Re: Concession Contract Review Policy and Closure Addendum

I'd rather wait to post this until Tuesday when we can officially get this through our processes. I understand that Jon will sign and pdf and email it to this group in case folks need it over the weekend. Is that still happening?

thanks!

On Fri, Oct 11, 2013 at 7:49 PM, Haugrud, Kevin <jack.haugrud@sol.doi.gov> wrote:
Attached is the amendment to the Director's closure notice that sets out the review policy for concession contracts. OMB's General Counsel has okayed the use of the stated criteria. Nikki can confirm whether we need any additional coordination before this addendum is publicly posted.

--

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

From: Buffa, Nicole <nicole_buffa@ios.doi.gov>
Sent: Tuesday, October 15, 2013 9:25 AM
To: Sarah Neimeyer; Maureen Foster; Peggy O'Dell; Laura Davis; Blake Androff; Kate P Kelly
Cc: Nicole Buffa
Subject: Re: URGENT Congressional | Closure of Glen Echo Park

Hi Team NPS and Comms - We are hearing that Montgomery County officials will hold a press conference at 11:00 a.m. regarding the closure of Glen Echo Park.

Van Hollen's office is interested in either the Grand Canyon or Claude Moore treatment of Glen Echo. I understand this is complicated, but I think we need to (1) have someone contact Van Hollen's office and explain our thinking (we are hearing that he has been trying to reach Jon); and (2) have this on our radars in case Kate and Blake start getting questions. Other thoughts?

thanks in advance,
Nikki

From: Suzanne Waldron <sue_waldron@nps.gov>
Sent: Tuesday, October 01, 2013 7:11 AM
To: Jon Jarvis; Peggy O'Dell; Maureen Foster
Subject: Fwd: Shutdown Has Occurred; Duration Uncertain

Fyi

Sent from my iPhone

Begin forwarded message:

From: Derrick Crandall <dcrandall@funoutdoors.com>
Date: October 1, 2013, 6:13:30 AM EDT
To: "Alex Klein (aklein@gtlc.com)" <aklein@gtlc.com>, "Andrew N. Todd (atodd@xanterra.com)" <atodd@xanterra.com>, "Brad Hill (statue_of_liberty@msn.com)" <statue_of_liberty@msn.com>, "Bruce Fears (Fears-bruce@aramark.com)" <Fears-bruce@aramark.com>, "Carol Metzler (feltyco@mindspring.com)" <feltyco@mindspring.com>, Chris Belland <cbelland@historictours.com>, "Dave Woodside (dwoodside@theacadiacorporation.com)" <dwoodside@theacadiacorporation.com>, Derrick Crandall <dcrandall@funoutdoors.com>, "Dick Buck (B6207@aol.com)" <B6207@aol.com>, "Ed Wimberly (edw@lakeroosevelt.com)" <edw@lakeroosevelt.com>, "George Campsen, Jr. (Chip) " <chip@spiritlinecruises.com>, Gerry Gabrys <ggabrys@guestservices.com>, "Jim Houser (Jhouser@dncinc.com)" <Jhouser@dncinc.com>, jim McCaleb <jmccaleb@xanterra.com>, "John Rutter (jrutter@gtlc.com)" <jrutter@gtlc.com>, "John Schoppman (rdelgado@foreverresorts.com)" <rdelgado@foreverresorts.com>, "Joseph K. Fassler (jfassler@viad.com)" <jfassler@viad.com>, "Kevin T. Kelly (kkelly@dncinc.com)" <kkelly@dncinc.com>, "Pam Pitts (pkpitts@calparksco.com)" <pkpitts@calparksco.com>, "Rex Maughan (delkins@foreverliving.com)" <delkins@foreverliving.com>, "Rick Abramson (Rabramso@dncinc.com)" <Rabramso@dncinc.com>, Terry MacRae <tmacrae@hornblower.com>
Cc: "Lena McDowall (Lena_McDowall@nps.gov)" <Lena_McDowall@nps.gov>, "Ben Erichsen (John_Erichsen@nps.gov)" <John_Erichsen@nps.gov>, "Sue Waldron (Sue_Waldron@nps.gov)" <Sue_Waldron@nps.gov>, "Bill Butts (bbutts@foreverresorts.com)" <bbutts@foreverresorts.com>, "Bob Shaw (rshaw@hornblower.com)" <rshaw@hornblower.com>, "Cadrette, Ron" <RCadrette@glacierparkinc.com>, "Carol Hill (carolhill@yankeefleet.com)" <carolhill@yankeefleet.com>, Catherine Ahern <cahern@funoutdoors.com>, "Dan Jensen (djensen@dncinc.com)" <djensen@dncinc.com>, Tom Georgevits <tgeorgevits@funoutdoors.com>, "Gordon Taylor (gtaylor@xanterra.com)" <gtaylor@xanterra.com>, "Jeff Marquis (jmarquis@guestservices.com)" <jmarquis@guestservices.com>, "Jimrlyons@aol.com" <Jimrlyons@aol.com>, "Julie Hanson Gackenbach (Julie.gackenbach@confrerestrategies.com)" <Julie.gackenbach@confrerestrategies.com>, "Kris Rohr (rohrk@guestservices.com)" <rohrk@guestservices.com>, "Max T. Felty" <max@gburgtours.com>, "Navaz Ghaswala (NGhaswala@foreverliving.com)" <NGhaswala@foreverliving.com>, "Rick Wayland (waylandr@guestservices.com)" <waylandr@guestservices.com>, Terry Strickland <terry@yankeefreedom.com>
Subject: Shutdown Has Occurred; Duration Uncertain

I am truly saddened by events which have prompted the closure of our national parks and the consequent closures of all concessions activities. Our national government is experiencing an era where consensus-building and cooperation seem lost arts. Obviously, this now has a direct and adverse impact

on you and your colleagues – and on the many thousands of park visitors you would be serving each day had the shutdown not occurred.

Ben Erichsen, Chief of the Commercial Services Office of NPS, tells me that he has been in contact with a great many concessioners directly. I know that several of you are communicating your frustrations and disappointment to your Members of Congress and to the President. It is ironic that the closure will mean the loss of millions of dollars in federal revenue – lost entrance fees, lost franchisee fees and more. I also recognize that there may be extraordinary efforts mounted to reopen some park units, using state and other manpower as well as additional efforts on the part of concessioners. Hopefully, the shutdown will be of short duration, making most of these efforts moot. I will share any information we receive on these activities.

NPHA offices will be available to assist you. Below my signature, I am affixing the memo sent by NPS Director Jon Jarvis to all NPS employees. I am certain that he would express the same message of empathy about the impact of the shutdown on the lives of NPS employees to you and your team. Although there is general national guidance requiring shutdowns of day use sites to begin today and closedowns of food and lodging by late this week for those currently at your facilities, individual superintendents have significant flexibility and may be able to work with you on unusual situations.

Derrick

Derrick A. Crandall, Counselor
National Park Hospitality Association
1200 G Street, N.W. Suite 650
Washington, D.C. 20005
202-682-9530, F 202-682-9529
www.parkpartners.org

DIRECTOR'S OFFICE

Shutdown Of Federal Government

Director Jarvis issued an all employee memorandum yesterday afternoon entitled "Potential Shutdown of the Federal Government." Now, just short of midnight on Monday, it is evident that the shutdown will actually take place. That memo is therefore being retransmitted in full and appears below.
****
While I remain hopeful that a government shutdown at midnight tonight will be avoided, I want you to know that we are prepared in case it happens.
The National Park Service's shutdown contingency plan is posted on www.DOI.gov/shutdown which is also where you should check for any updates during a shutdown. This plan, the guidance that has been posted on InsideNPS, and the information that you have received directly from your supervisor explain how a shutdown will affect our work. I also encourage you to watch Secretary Jewell's video message to all employees that was posted last Friday. If you have any questions, please ask your supervisor for a clarification.
A shutdown means that most of our fellow employees will be furloughed for the duration. A small number of employees have been "excepted" from this furlough to secure parks and provide law enforcement, emergency services, firefighting, and other vital services. By now employees should have been notified by their supervisors as to whether they are excepted or not excepted.
And if there is one thing that I ask you to understand – in a completely incomprehensible situation – it is that each and every one of you does important work. Being excepted or unexcepted has nothing to do with your value to this organization or our critical mission.
In the event of a shutdown, employees should report to work on October 1 (unless you have received other direction from your supervisor) to conduct shutdown activities. Employees will have up to four hours to complete timesheets, secure property and files, receive and acknowledge a furlough letter, update voicemail and leave an out-of-office message on email and other activities directed by your supervisor.
I know that these are difficult times. A shutdown will disrupt our work and the lives of those who count on us – national park visitors who come to us for world-class educational and recreational experiences and communities across the country who rely on us for help to preserve their history and create healthy outdoor activities for their neighbors. It will also disrupt your lives and that of your families and for that I am sorry.

You are the backbone of this organization. Your dedication to our mission is unquestioned and unrivaled. It is an honor to work with you. And I promise that we will get through this and return to work to serve the American people as we have for nearly 100 years.

From: Androff, Blake <blake_androff@ios.doi.gov>
Sent: Tuesday, October 01, 2013 8:00 AM
To: Suzanne Waldron
Cc: Michael Litterst; Margaret O'Dell; Maureen Foster; Katherine Kelly; Jessica L Kershaw; Nicole Buffa
Subject: Re: REQUEST

+Nikki to this chain as she's going to be helping us with weddings

On Mon, Sep 30, 2013 at 10:25 PM, Suzanne Waldron <sue_waldron@nps.gov> wrote:
Tracking down. What info do you need?

Sent from my iPhone

On Sep 30, 2013, at 9:04 PM, "Androff, Blake" <blake_androff@ios.doi.gov> wrote:

> Did a quick search:
>
> Anecdotally, there are 24 scheduled just on the National Mall for October (see: http://www.lohud.com/usatoday/article/2897257) and there are many throughout the year at our iconic parks, like Yellowstone (see: http://www.mcclatchydc.com/2013/09/30/203699/shutdown-would-mean-furloughs.html#.UkoegGQ-tFN)
>
> 27 weddings are permitted for the first two weeks in the Great Smoky Mountains (see: http://www.wate.com/story/23570752/great-smoky-mountains-preparing-for-possible-government-shutdown)
>
> On Mon, Sep 30, 2013 at 9:02 PM, Suzanne Waldron <sue_waldron@nps.gov> wrote:
> I believe the answer is no. We issue permits but they are park specific and no central repository
>
> Have calls in to a couple big parks about weddings. Nothing in permits in yellowstone. Waiting to hear back from others
>
> Sue Waldron
> Assistant Director, Communications
> National Park Service
>
> Sent from my iPad
>
> On Sep 30, 2013, at 8:40 PM, "Androff, Blake" <blake_androff@ios.doi.gov> wrote:

We have been asked to pull whatever aggregate data we have on the number of weddings in national parks.... tonight. Is this something that is in any way tracked?

I am on my direct (202-208-4330) if anyone wants to discuss.

B

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

--
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From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent: Tuesday, October 01, 2013 8:01 AM
To: Androff, Blake
Cc: Suzanne Waldron; Michael Litterst; Margaret O'Dell; Maureen Foster; Katherine Kelly; Jessica L Kershaw
Subject: Re: REQUEST

Sue - Whats your number? Can I call you?

On Oct 1, 2013, at 7:59 AM, "Androff, Blake" <blake_androff@ios.doi.gov> wrote:

> +Nikki to this chain as she's going to be helping us with weddings
>
> On Mon, Sep 30, 2013 at 10:25 PM, Suzanne Waldron <sue_waldron@nps.gov> wrote:
> Tracking down. What info do you need?
>
> Sent from my iPhone
>
> On Sep 30, 2013, at 9:04 PM, "Androff, Blake" <blake_androff@ios.doi.gov> wrote:
>
> > Did a quick search:
> >
> > Anecdotally, there are 24 scheduled just on the National Mall for October (see: http://www.lohud.com/usatoday/article/2897257) and there are many throughout the year at our iconic parks, like Yellowstone (see: http://www.mcclatchydc.com/2013/09/30/203699/shutdown-would-mean-furloughs.html#.UkoegGQ-tFN)
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> >
> > Sue Waldron
> > Assistant Director, Communications
> > National Park Service

Sent from my iPad

On Sep 30, 2013, at 8:40 PM, "Androff, Blake" <blake_androff@ios.doi.gov> wrote:

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>
> I am on my direct (202-208-4330) if anyone wants to discuss.
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> B
>
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> **Blake Androff**
> Deputy Director of Communications
> U.S. Department of the Interior
> Office: (202) 208-6416 | Cell: (202) 725-7435

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

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Tuesday, October 01, 2013 8:05 AM
To: Nicole Buffa
Cc: Androff, Blake; Michael Litterst; Margaret O'Dell; Maureen Foster; Katherine Kelly; Jessica L Kershaw
Subject: Re: REQUEST

208-3046

On Tue, Oct 1, 2013 at 8:01 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
Sue - Whats your number? Can I call you?

On Oct 1, 2013, at 7:59 AM, "Androff, Blake" <blake_androff@ios.doi.gov> wrote:

> +Nikki to this chain as she's going to be helping us with weddings
>
> On Mon, Sep 30, 2013 at 10:25 PM, Suzanne Waldron <sue_waldron@nps.gov> wrote:
> Tracking down. What info do you need?
>
> Sent from my iPhone
>
> On Sep 30, 2013, at 9:04 PM, "Androff, Blake" <blake_androff@ios.doi.gov> wrote:
>
> > Did a quick search:
> >
> > Anecdotally, there are 24 scheduled just on the National Mall for October (see: http://www.lohud.com/usatoday/article/2897257) and there are many throughout the year at our iconic parks, like Yellowstone (see: http://www.mcclatchydc.com/2013/09/30/203699/shutdown-would-mean-furloughs.html#.UkoegGQ-tFN)
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>
> On Mon, Sep 30, 2013 at 9:02 PM, Suzanne Waldron <sue_waldron@nps.gov> wrote:
> I believe the answer is no. We issue permits but they are park specific and no central repository
>
> Have calls in to a couple big parks about weddings. Nothing in permits in yellowstone. Waiting to hear back from others

Sue Waldron
Assistant Director, Communications
National Park Service

Sent from my iPad

On Sep 30, 2013, at 8:40 PM, "Androff, Blake" <blake_androff@ios.doi.gov> wrote:

> We have been asked to pull whatever aggregate data we have on the number of weddings in national parks.... tonight. Is this something that is in any way tracked?
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> **Blake Androff**
> Deputy Director of Communications
> U.S. Department of the Interior
> Office: (202) 208-6416 | Cell: (202) 725-7435

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--
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

From: Kunz, Elisa <elisa_kunz@nps.gov>
Sent: Tuesday, October 01, 2013 9:57 AM
To: Suzanne Waldron; Peggy O'Dell; Maureen Foster; Jonathan Jarvis
Cc: Tobin Tracey
Subject: Weddings etc.

Hello-

Just a quick sampling of a few parks and the wedding permits.

The Mall had 9 weddings scheduled through October 6th, people from all over the country.
Shenandoah had one this weekend that was roughly a $20000 investment in the park with the concessioner. Bride was very upset according to management assistant. (Another is scheduled for the 12th.)
The Virgin Islands has one scheduled for Wednesday, October 2, 2013.
Great Smokey Mountains has 28 weddings scheduled over the next two weeks. (see forwarded e-mail.)

Other events:
Shenandoah cancelled a international tourism filming today because of the closure.
JEFF is cancelling the Macy's Lighting of the Arch pink for breast cancer awareness.
ACAD is cancelling a benefit bicycle ride to support cancer research.

And, of course, Yosemite is the Google Doodle for the Day!

1. **News for *Yosemite National Park***

Washington Post

1. ***YOSEMITE*: As government shuts down, Google marks anniversary of *national park* you suddenly cannot see**

   Washington Post (blog) - 1 hour ago

   Google Doodle celebrates a *national* treasure that as of today, because of federal shutdown, you cannot go see.

2. Google celebrates *Yosemite's* birthday as government shuts ...

   CNET - by Daniel Terdiman - 9 minutes ago

3. Google Celebrates *Yosemite's* Birthday Because You Can't

   Slate Magazine (blog) - by Matthew Yglesias

Elisa Kunz
Bevinetto Fellow*1849 C Street NW* Room 3123*Washington, DC*20240
Phone: 202-501-7144
". . . the Constitution will endure as a vital charter of human liberty as long as there are those with the courage to defend it, the vision to interpret it, and the fidelity to live by it."-Justice William Brennan

From: Bob Vogel <bob_vogel@nps.gov>
Sent: Friday, October 11, 2013 3:48 PM
To: Maureen Foster; Margaret O'Dell; Jon Jarvis
Subject: Fwd: NPS deal

Sent from my iPhone

Begin forwarded message:

> **From:** Paul Tetreault <pault@fords.org>
> **Date:** October 11, 2013, 3:36:46 PM EDT
> **To:** "Vogel, Bob" <bob_vogel@nps.gov>
> **Subject: FW: NPS deal**
>
> Bob,
>
> Please let me know if this is what you are looking for and if we can get some response from this today or tomorrow.
>
> Paul
>
> **********
> Paul R. Tetreault
> Director
> Ford's Theatre Society
> 514 Tenth Street, NW
> Washington, DC 20004
> 202-434-9540
> pault@fords.org
>
> **Visit our website at www.fords.org**
>
> ---
>
> **From:** Douglas Wilson
> **Sent:** Friday, October 11, 2013 3:31 PM
> **To:** Paul Tetreault
> **Subject:** NPS deal
>
> Evening performances by Ford's Theatre Society in the historic Ford's Theatre currently consume minimal federal resources. National Park Service administration and the rangers that assist with interpretation in the Theatre and in the Petersen House work during the hours of 8:00-5:30. Our evening performances start no earlier than 7:30 p.m. As patrons begin arriving, the Ford's Theatre Society staff is on hand to provide house management services in both the Society's lobby space and the Theatre. Ford's Theatre Society works with a roster of civilian volunteers who assist patrons with seating and emergencies as well as to help enforce NPS regulations regarding food, drink, and gum in the historic Theatre. All running crew, actors, and stage management are also Ford's Theatre Society employees paid by the Society.

Expenses that are incurred by NPS during Ford's Theatre Society performances are guard services and utilities. While there could be some incremental heating, cooling, and electrical expense because of the number of people in the space and the lighting of performances, most guard and utility expenses are incurred by NPS whether Ford's Theatre Society is hosting performances or not.

In the spirit of continued cooperation between the Society and NPS, the Society would agree, during this protracted government shutdown, to reimburse the National Park Service for the incremental utility costs associated with Ford's Theatre Society performances that take place in the Theatre. I'm sure we can agree on a baseline expense based on utility costs thus far during the shutdown, so that the Society's incremental costs can be determined.

Douglas Wilson
Director of Finance
Ford's Theatre Society
514 Tenth Street, NW
Washington, DC 20004
Phone: 202-434-9554 (direct)
www.fords.org
dwilson@fords.org

From: Vogel, Bob <bob_vogel@nps.gov>
Sent: Wednesday, September 25, 2013 4:45 PM
To: Bruce Sheaffer
Cc: Steve Whitesell
Subject: HELP!

Dear Mr. Sheaffer,

I am engaged in a cordial conversation with the Fords Theatre Society regarding their concerns over a possible government shutdown during the opening performance of their heavily marketed new production on October 2 of their new production. Working with my esteemed Regional Director and the Society we have developed a well thought our plan on how we can make this into a win-win situation. I am aware that you have a history with this issue. I have promised FTS and the RD that I would reach out to you ASAP and get your learned opinion so that they have as much time as possible to explore options. If at all possible if you could reach out to me at your earliest opportunity I would be most appreciative. My cell number is (202) 525-8767.

Thanks!

Bob

Robert A. Vogel
Superintendent
National Mall and Memorial Parks
900 Ohio Drive, SW 20024-2000
(202) 245-4661
(202) 426-9303 (fax)

From: Vogel, Bob <bob_vogel@nps.gov>
Sent: Monday, September 30, 2013 4:34 PM
To: Bruce Sheaffer
Cc: Steve Whitesell
Subject: URGENT

I have a significant blip at Fords. They are saying they are going ahead with their show. Could I talk with you after this phone call with Jon? My cell number is 202-525-8767.

Robert A. Vogel
Superintendent
National Mall and Memorial Parks
900 Ohio Drive, SW 20024-2000
(202) 245-4661
(202) 426-9303 (fax)

From: Vogel, Bob <bob_vogel@nps.gov>
Sent: Tuesday, October 01, 2013 10:52 AM
To: Jonathan Jarvis; Margaret O'Dell; Bruce Sheaffer; Steve Whitesell; Lisa Mendelson; Maureen Foster
Cc: Carolyn Richard; William Cheek; Karen Cucurullo; Stephen Lorenzetti; Carol Johnson
Subject: Fords Theatre Update

Just had a conversation with Paul T. regarding my earlier notification letter. The conversation was very cordial. After discussion over why the Kennedy Center could pursue a daytime closure and nighttime opening I ultimately stated that I did feel confident that the NPS had legal authority to close the site. I assured him that I would take no offense if he wanted to escalate the decision. Ultimately he suggested the idea of hosting tonight's performance on the walk way and street. I told him I thought this would be a great win-win. I also assured him that the moment we receive permission to reopen we would try to make the theatre reopening a top priority.

I love shutdowns--we should do this every week!

Bob

Robert A. Vogel
Superintendent
National Mall and Memorial Parks
900 Ohio Drive, SW 20024-2000
(202) 245-4661
(202) 426-9303 (fax)

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

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

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

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

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

(b) (5)

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

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

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

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

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

CLAUDE MOORE / [PISGAH]

With the national closure in place, the National Park Service has undertaken a thorough review of unique circumstances at the request of the [concessioner/cooperative agreement operator]. The National Park Service has determined that resumption of operations can be allowed at this time consistent with the existing contractual arrangement and the Anti-Deficiency Act.

The National Park Service will review the implementation of the closure order in regard to similarly situated partner facilities in national parks.

On background:

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

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

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

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

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

CLAUDE MOORE / [PISGAH]

With the national closure in place, the National Park Service has undertaken a thorough review of unique circumstances related to the request of the [concessioner/cooperative agreement]. The National Park Service has determined that allowing resumption of operations can be allowed without requiring the expenditure of funds in violation of the Anti-Deficiency Act or risks to public health and safety or park resources.

The National Park Service will review the implementation of the closure order in regards to similarly situated partner facilities in national parks.

On background:

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

--

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

--
Jonathan B. Jarvis
Director, NPS

From: Foster, Maureen <maureen_foster@nps.gov>
Sent: Wednesday, October 09, 2013 10:13 AM
To: Jon Jarvis; Peggy O'Dell; Bruce Sheaffer
Subject: List
Attachments: Concessions Servicewide.xlsx

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

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

Region	Park	Name	Org Type	Service	Road	Comments
IMR	GLCA	Main Visitor Center			Hwy 89	is in a BOR building, so it is closed. NHA is not operating there.
IMR	GLCA	Navajo Bridge Interpretive Center				open and the Natural History Association (NHA) is operating there because the building is operated by AZ Dept. of Transportation.
IMR	GRTE	Gift Shop at the Airport	CA			Open as the airport operates within the park boundary and remains open and operating.
IMR	GRTE	Triangle X Dude Ranch			Hwy 89	Operates along Hwy 89, a state road that runs through the park. The ranch is allowed to accommodate guests involved in hunting outside the park with no overnight lodging. No other overnight lodging is allowed at the ranch.
MWR	APIS	Apostle Island Cruise Svc.	Conc			Was told to shutdown. Is operating and claims to stay out of park waters and off park lands.
MWR	HOSP	Buckstaff Bath House Company	Conc		HWY 7, Central Ave. Within park boundary.	Building is in city adjacent to leased bldgs that are open.
MWR	MORU	PP Incorporated (MORU Nat Memorial Society)	Conc		In short distance to highway (200ft +/-	Serves as primary parking lot. Pressure to open; Society charges fees and manages lot.
MWR	MORU	Xanterra Parks and Resorts	Conc		Within park boundary. In short distance to highway (200ft +/-	Within park boundary. A short walk from parking area (see above). Xanterra closed facilities per park direction.
MWR	OZAR	Akers Ferry Canoe Rental, Inc.	Conc		Off state HWY KK	currentrivercanoe.com
MWR	OZAR	Alley Spring Canoe Rental, LLC (Harvey' s Alley Spring)	Conc		Off Missouri 106	http://www.harveysalleyspring.com/driving.html
MWR	OZAR	Carr' s Grocery and Canoe Rental, LLC	Conc		Off HWY 19	carrscanoerentalcom
MWR	OZAR	Two Rivers Canoes, LLC	Conc		Off State HWY V	, http://2riverscanoe.com/contact.php
MWR	PIRO	Pictured Rocks Cruises, Inc.	Conc			Was told to shutdown. Is operating and claims to stay out of park waters and off park lands.
MWR	SLBE	Manitou Island Transit	Conc			Was told to shutdown. Is operating. Directed to not land in park.
NCR	GWMP	Belle Haven Marina	Conc		GW Pkwy	VA
NCR	GWMP	Claude Moore Farm	CA			Agreement dates to 1981 and who has received over $1.3 million in cash support from the NPS since 2001, they operate an educational farm interpreting the colonial period to school groups and families. Claude Moore also operates market days which are financially important to their operations.
NCR	GWMP	Columbia Island Marina - Food	Conc		GW Pkwy	DC
NCR	GWMP	Columbia Island Marina - Recreation	Conc		GW Pkwy	DC
NCR	GWMP	Glen Echo Park	CA			Operated in partnership w Montgomery County, MD. The Glen Echo Park Partnership would like to reopen – however, NPS staffs the site with 3-4 rangers and provides the maintenance and law enforcement so we wouldn't be in a position of "minimal involvement".
NCR	GWMP	Indigo Landing Restaurant, Afterdeck Café	Conc		GW Pkwy	VA
NCR	GWMP	Washington Sailing Marina	Conc		GW Pkwy	VA
NCR	GWMP	Women In Military Service to America Memorial	CA			treating as in-holding – holding special events not open to the public and keepin their activities inside their structure

Region	Park	Name	Org Type	Service	Road	Comments
NCR	NACE	Accokeek Foundation	CA			Non-profit, educational organization that has a land assignment wholly within Piscataway Park which serves as the outdoor "campus" for the Foundation's operations which include the National Colonial Farm (living heritage exhibit), the Ecosystem Farm (demonstrations in sustainable agriculture), and preservation of heritage livestock and heirloom seeds. Includes 2 docks which provide access to the Potomac River. Accessed from an open public road. Currently closed for public visitation, delivering Community Supported Agriculture shares off-site.
NCR	NACE	Alice Ferguson Foundation	CA			Would not benefit as AFF depends on access to the Potomac River through the park for its Hard Bargain Farm Education Center environmental education programs as well as access to other area national parks for its Bridging the Watershed program. Opening access for cooperators would NOT provide the access that AFF would want to the Potomac River over Piscataway parkland.
NCR	NAMA	Fords Theatre	CA	Theatre, retail	10th St, NW	Would reopen the theatre portion of the site to the public for the performances only, the museum and tours would remain closed to the public. The Peterson House, where Lincoln Died, is across the street and would remain closed
NCR	NAMA	Lincoln Memorial North + Retail	Conc		Bacon Drive	
NCR	NAMA	Pa. Ave. Food Carts at 13th & Pa. Ave.	Conc		Pennsylvania Ave	
NCR	NAMA	Pa. Ave. Food Carts at 7th & Pa. Ave	Conc		Pennsylvania Ave	
NCR	PRWI	Travel Trailer Village	CX	RV campground	State Hwy	
NCR	ROCR	Key Bridge Boathouse	Conc	Rentals		Boating in Boston
NCR	ROCR	Peirce Mill Tennis Courts	Conc	Tennis		Guest Services
NCR	ROCR	Rock Creek Golf Course	Conc	Golf, F&B, retail		Golf Course Specialists
NCR	ROCR	Rock Creek Tennis Center	Conc	Tennis, F&B, retail		Guest Services
NCR	ROCR	Thompson Boat Center	Conc	Rentals, F&B, retail		Guest Services
NE	APPA	Appalachian Trail Conservancy	Partner	Office space, VC, retail		CUA in place for sales area; GA bet NPS and ATC for use of facility
NE	CACO	Highland Museum & Lighthouse	Conc		Highland Rd	Truro, MA
NE	CACO	Highlands Links Golf Course	Conc	Golf, F&B, retail		
NE	CACO	Nauset Knoll Motor Lodge	Conc	Lodging	Beach Rd	East Orleans, MA
NE	CACO	Truro Hotel	?	Lodging		
NE	COLO	Antique Store	Conc	Retail	Main St	Yorktown, VA
NE	COLO	Carrot Tree Restaurant	Conc	F&B	Main St	Yorktown, VA
NE	COLO	Swiss Tavern	Conc	F&B	Main St	Yorktown, VA
NE	DEWA	PEEC	CA			
NE	GATE	Breezy Point Surf Club	Conc	F&B, cabana	227th St	Breezy Point, NY
NE	GATE	Gateway Marina	Conc	Marina	Flatbush Ave	Brooklyn, NY
NE	GATE	Jamaica Bay Riding Academy	Conc	Stables, rides	Belts Pkwy	Brooklyn, NY
NE	GATE	Silver Gull Beach Club	Conc	F&B, cabana	Rockaway Point Blvd	Breezy Point, NY
NE	INDE	Carpenter's Hall	?	Museum	Chestnut St.	Owned and operated by partner; Philadelphia,PA
NE	INDE	Christ Church	CA		Church St.	Philadelphia, PA
NE	INDE	City Tavern	Conc	F&B	South 2nd St	Philadelphia, PA
NE	INDE	Friends of Independence NHP			South 3rd St	501 (c) 3 non-profit organization - 143 S 3rd St Philadelphia, PA 19106

Region	Park	Name	Org Type	Service	Road	Comments
NE	INDE	Historical Philadelphia Institute	?	Tour operator		Park partner Tour Operator operate out of Free Quaker Mtg House, VC and other facilities – operating without access to NPS facilities
NE	INDE	St. George's Church	?		North 4th St.	Philadelphia, PA
NE	INDE	St. Joseph's Church	?		Willings Alley	Philadelphia, PA
NE	MIMA	Farm and farmstand	?			Concord, MA
PW	DEVA	Death Valley Lodging Company at Stovepipe Wells		Lodging, F&B, retail	State Hwy 190	
PW	DEVA	Furnace Creek Ranch and Inn (Xanterra) and Panamint Springs resort		Lodging	Hwy. 190	Private inholdings
PW	DEVA	Scotty's Castle	Conc	F&B, retail	Scotty's Junction Rd.	Death Valley NHA Concessions closed
PW	GOGA	Cliff House (you know the story there)				
PW	GOGA	Crissy Field East Beach Cafe (closed even though park area is not close-able)				
PW	GOGA	Crissy Field Warming Hut (closed even though park area is not close-able)				
PW	GOGA	Fort Mason and Marin Hostel (could remain open because the park areas are not close-able, but we forced closure)				
PW	GOGA	Stinson Beach Surfer's Grill (closed, few customers)				
PW	MOJA	Concessions lunch counter inside VC				
PW	OLYM	Kalaloch Lodge	Conc		Highway 101	Just off highway
PW	OLYM	Lake Cresent Lodge	Conc		Highway 101	.5 miles off highway
PW	OLYM	NatureBridge	CA		Highway 101	.5 miles off highway
PW	PORE	Drakes Beach Cafe	Conc		Sir Francis Drake Blvd	
PW	PORE	Five Brooks Stables	Conc		Highway 1	
PW	PORE	Stewart Horse Camp	conc		Highway 1	
PW	SEKI	Grant Grove(KCPS transitioning to DNC).	Conc		Hwy 180	
PW	SEKI	Lodgepole (DNC)	Conc		Generals Highway	
PW	SEKI	Wuksachi	Conc		Generals Highway	
PW	WHIS	Forever Resorts				
PW	YOSE	El Portal Market, ,			Hwy 140	reduce hours for public health and safety
PW	YOSE	Naturebridge Campus at Crane Flat			Hwy 120	
PW	YOSE	Wawona Hotel,			Highway 41	
PW	YOSE	DNC Crane Flat Store	Conc		Hwy 120	
PW	YOSE	DNC Valley Tram Tours			Highway 140,	
PW	YOSE	Mariposa Grove Gift Shop & Tram Tours			Highway 41	

Region	Park	Name	Org Type	Service	Road	Comments
PW	YOSE	Wawona Market,			Highway 41	
PW	YOSE	Yosemite Conservancy Store			Hwy 120	
PW	YOSE	Yosemite Conservancy Store			Highway 41	
SER	BLRI	Folk Art Center	Conc	gifts and crafts, information, eastern national	Blue Ridge Parkway motor road	stand alone
SER	BLRI	Mabry Mill Restaurant & Gift Shop	Conc	restaurant & gift shop	Blue Ridge Parkway motor road	stand alone operation
SER	BLRI	Manor House (owned & operated by NPS	Conc	sell books	Blue Ridge Parkway motor road	concession lower part of house with eastern national
SER	BLRI	Northwest Trading Post	Conc	gift shop	Blue Ridge Parkway motor road	stand alone operation
SER	BLRI	Peaks of Otter	Conc	lodge, restaurant, camp store, campground, bus transport to park overlook	Blue Ridge Parkway motor road	campground is run by NPS; all other could be stand alone except for bus destination point within park
SER	BLRI	Pisgah Inn	Conc	hotel lodging, camp store, restaurant, campground	blue Ridge Parkway motor road	campground is run by NPS; all other could be stand alone
SER	BLRI	Price Lake Boat Rentals	Conc	canoe rental	Blue Ridge Parkway motor road	dependent on access to NPS lands
SER	CAHA	Avon Fishing Pier	Conc	Bait & tackle, food services, access to fishing pier	Hwy 12	stand alone operation
SER	CAHA	Oregon Inlet Fishing Center	Conc	Marina, fishing charters, boats	Hwy 12	stand alone operation
SER	FORA	Roanoke Island Historical Association	CA	weekend events leading up to Halloween	Hwy 64	Park legislation provides for opportunity for fundraising; currently have permission to use Fort Raleigh facilities for Psychopath Halloween event
SER	GRSM	Smokemount Riding Stables	Conc	Trail Rides in park	Newfound Gap (Hwy 441)	As part of concession contract, they have land assignment includes select park horse trails that they maintain to operate; liability falls to concession operator
SER	GRSM	Smoky Mountain Riding Stables (with park boundary)	Conc	Trail Rides in park	Hwy 321 Gatlingburg (outside park boundary)	As part of concession contract, they have land assignment includes select park horse trails that they maintain to operate; liability falls to concession operator
SER	GRSM	Triggerlands Riding Stables	Conc	Trail Rides in park	Newfound Gap (Hwy 441)	As part of concession contract, they have land assignment includes select park horse trails that they maintain to operate; liability falls to concession operator
SER	VIIS	Trunk Bay	Conc	snack bar; snorkel and other equipment rental	North Shore Road	Stand alone operation; all beaches of park are open

From: McDowall, Lena <lena_mcdowall@nps.gov>
Sent: Sunday, October 13, 2013 4:14 PM
To: Lisa Mendelson; Bruce Sheaffer
Subject: Fwd: NPS deal Fords Theatre.

Maureen forwarded this from Ford's Theater. I didn't see it until today.

---------- Forwarded message ----------
From: **Maureen Foster** <maureen_foster@nps.gov>
Date: Sat, Oct 12, 2013 at 11:56 AM
Subject: Fwd: NPS deal Fords Theatre.
To: Lena McDowall <lena_mcdowall@nps.gov>

Maureen D. Foster
National Park Service
202.208.5970 office
202.306.3845 cell

Begin forwarded message:

> **From:** Bob Vogel <bob_vogel@nps.gov>
> **Date:** October 11, 2013, 3:48:26 PM EDT
> **To:** Maureen Foster <Maureen_Foster@nps.gov>, "Margaret O'Dell" <peggy_o'dell@nps.gov>, Jon Jarvis <Jon_Jarvis@nps.gov>
> **Subject: Fwd: NPS deal**
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** Paul Tetreault <pault@fords.org>
> > **Date:** October 11, 2013, 3:36:46 PM EDT
> > **To:** "Vogel, Bob" <bob_vogel@nps.gov>
> > **Subject: FW: NPS deal**
> >
> > Bob,
> >
> > Please let me know if this is what you are looking for and if we can get some response from this today or tomorrow.

Paul

****

Paul R. Tetreault

Director

Ford's Theatre Society

514 Tenth Street, NW

Washington, DC 20004

202-434-9540

pault@fords.org

Visit our website at www.fords.org

From: Douglas Wilson
Sent: Friday, October 11, 2013 3:31 PM
To: Paul Tetreault
Subject: NPS deal

Evening performances by Ford's Theatre Society in the historic Ford's Theatre currently consume minimal federal resources. National Park Service administration and the rangers that assist with interpretation in the Theatre and in the Petersen House work during the hours of 8:00-5:30. Our evening performances start no earlier than 7:30 p.m. As patrons begin arriving, the Ford's Theatre Society staff is on hand to provide house management services in both the Society's lobby space and the Theatre. Ford's Theatre Society works with a roster of civilian volunteers who assist patrons with seating and emergencies as well as to help enforce NPS regulations regarding food, drink, and gum in the historic Theatre. All running crew, actors, and stage management are also Ford's Theatre Society employees paid by the Society.

Expenses that are incurred by NPS during Ford's Theatre Society performances are guard services and utilities. While there could be some incremental heating, cooling, and electrical expense because of the number of people in the space and the lighting of performances, most guard and utility expenses are incurred by NPS whether Ford's Theatre Society is hosting performances or not.

In the spirit of continued cooperation between the Society and NPS, the Society would agree, during this protracted government shutdown, to reimburse the National Park Service for the incremental utility costs associated with Ford's Theatre Society performances that take place in the Theatre. I'm sure we can agree on a baseline expense based on utility costs thus far during the shutdown, so that the Society's incremental costs can be determined.

Douglas Wilson
Director of Finance
Ford's Theatre Society
514 Tenth Street, NW
Washington, DC 20004
Phone: 202-434-9554 (direct)
www.fords.org
dwilson@fords.org

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

From: McDowall, Lena <lena_mcdowall@nps.gov>
Sent: Sunday, October 13, 2013 4:36 PM
To: Bruce Sheaffer
Subject: Re: NPS deal Fords Theatre.

Are you still planning to call me on 208-3002 so that we can talk to Lisa?

On Sun, Oct 13, 2013 at 4:20 PM, Bruce Sheaffer <bruce_sheaffer@nps.gov> wrote:
They cannot argue we do not spend resources on fords. Their only option is to pay to open the park we have provided the per day cost. There is no option here. The argument that we do not incur cost for 3 hours is ludicrous

Sent from my iPhone

On Oct 13, 2013, at 4:13 PM, "McDowall, Lena" <lena_mcdowall@nps.gov> wrote:

> Maureen forwarded this from Ford's Theater. I didn't see it until today.
>
> ---------- Forwarded message ----------
> From: **Maureen Foster** <maureen_foster@nps.gov>
> Date: Sat, Oct 12, 2013 at 11:56 AM
> Subject: Fwd: NPS deal Fords Theatre.
> To: Lena McDowall <lena_mcdowall@nps.gov>
>
> Maureen D. Foster
> National Park Service
> 202.208.5970 office
> 202.306.3845 cell
>
> Begin forwarded message:
>
> > **From:** Bob Vogel <bob_vogel@nps.gov>
> > **Date:** October 11, 2013, 3:48:26 PM EDT
> > **To:** Maureen Foster <Maureen_Foster@nps.gov>, "Margaret O'Dell" <peggy_o'dell@nps.gov>, Jon Jarvis <Jon_Jarvis@nps.gov>
> > **Subject: Fwd: NPS deal**
> >
> > Sent from my iPhone
> >
> > Begin forwarded message:

From: Paul Tetreault <pault@fords.org>
Date: October 11, 2013, 3:36:46 PM EDT
To: "Vogel, Bob" <bob_vogel@nps.gov>
Subject: FW: NPS deal

Bob,

Please let me know if this is what you are looking for and if we can get some response from this today or tomorrow.

Paul

****

Paul R. Tetreault

Director

Ford's Theatre Society

514 Tenth Street, NW

Washington, DC 20004

202-434-9540

pault@fords.org

Visit our website at www.fords.org

From: Douglas Wilson
Sent: Friday, October 11, 2013 3:31 PM
To: Paul Tetreault
Subject: NPS deal

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Douglas Wilson
Director of Finance
Ford's Theatre Society
514 Tenth Street, NW
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--
Lena McDowall
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Ph: (202) 208-5651
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--
Lena McDowall
Associate Director, Business Services
Ph: (202) 208-5651
Cell: (202) 641-1814
Email: Lena_McDowall@nps.gov

From: Lisa Mendelson <lisa_mendelson-ielmini@nps.gov>
Sent: Sunday, October 13, 2013 7:51 PM
To: Bruce Sheaffer
Subject: Re: Fords theater

Thx.

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

On Oct 13, 2013, at 7:19 PM, Bruce Sheaffer <bruce_sheaffer@nps.gov> wrote:

Cost per day is $3,100. 4day minimum

Sent from my iPad

From: Bob Vogel <bob_vogel@nps.gov>
Sent: Tuesday, October 15, 2013 10:55 AM
To: Margaret O'Dell; Bruce Sheaffer; Maureen Foster
Subject: Fwd: press release

Sent from my iPhone

Begin forwarded message:

> **From:** Paul Tetreault <pault@fords.org>
> **Date:** October 15, 2013, 10:43:38 AM EDT
> **To:** Bob Vogel <bob_vogel@nps.gov>
> **Subject: press release**
>
> Bob,
>
> We think the POST may want to speak with someone at NPS once this is announced, would you be willing, or do you have a spokesperson that we should direct them to.
>
> You should also know, that we are putting NPS in a terrific light on this, and "…it is through our unique 45 year partnership that we have been working at trying to figure out a way to open the site…" etc. etc.
>
> Let me know,
>
> Paul
>
> **********
> Paul R. Tetreault
> Director
> Ford's Theatre Society
> 514 Tenth Street, NW
> Washington, DC 20004
> 202-434-9540
> pault@fords.org
>
> **Visit our website at www.fords.org**

From: Vogel, Bob <bob_vogel@nps.gov>
Sent: Tuesday, October 01, 2013 10:52 AM
To: Jonathan Jarvis; Margaret O'Dell; Bruce Sheaffer; Steve Whitesell; Lisa Mendelson; Maureen Foster
Cc: Carolyn Richard; William Cheek; Karen Cucurullo; Stephen Lorenzetti; Carol Johnson
Subject: Fords Theatre Update

Just had a conversation with Paul T. regarding my earlier notification letter. The conversation was very cordial. After discussion over why the Kennedy Center could pursue a daytime closure and nightime opening I ultimately stated that I did feel confident that the NPS had legal authority to close the site. I assured him that I would take no offense if he wanted to escalate the decision. Ultimately he suggested the idea of hosting tonight's performance on the walk way and street. I told him I thought this would be a great win-win. I also assured him that the moment we receive permission to reopen we would try to make the theatre reopening a top priority.

I love shutdowns--we should do this every week!

Bob

Robert A. Vogel
Superintendent
National Mall and Memorial Parks
900 Ohio Drive, SW 20024-2000
(202) 245-4661
(202) 426-9303 (fax)

From: Jonathan Jarvis <jon_jarvis@nps.gov>
Sent: Saturday, October 12, 2013 8:47 AM
To: Lena McDowall; Bruce Sheaffer; Peggy O'Dell
Subject: Fwd: Bowfin Shutdown and Furlough
Attachments: Bowfin Jarvis letter 10-11-13.pdf

what do you think?

Sent from my iPad

Begin forwarded message:

> **From:** <gusgustavson@hawaii.rr.com>
> **Date:** October 11, 2013, 8:12:13 PM EDT
> **To:** <jon_jarvis@nps.gov>
> **Cc:** <paul_deprey@nps.gov>
> **Subject: Bowfin Shutdown and Furlough**
>
> Jon:
>
> As you know, the Bowfin Submarine Museum has been shutdown since October 1st due to the Park Service's decision to not allow access across the Arizona parking lot or via the service road. Below is the text of a letter I sent to you earlier today with the details. A copy of the letter is also attached.
>
> As I mention in the letter, I am available to discuss this issue whenever convenient to you.
>
> Sincerely,
>
> Gus
>
> Text of letter:
>
> I want to ensure you are aware of the ramifications of the government shutdown, and the National Park Service interpretation of the shutdown, are having on non-governmental entities here in Hawai'i.
>
> As you know, the Arizona Memorial is closed. The normal access to the USS Bowfin Submarine and Museum is through the Arizona, so the Bowfin has also been closed since October 1st. The Bowfin is not on National Park Service land, but all access is across National Park Service property.
>
> We have discussed this issue with National Park Service leadership locally and requested permission to allow Bowfin visitors to cross the closed Arizona parking lot or to walk down the service road that is used for the Missouri and Aviation Museum buses. The visitors would not

have access to the Arizona Memorial, just the parking lot or the service road. We offered to provide additional security to ensure the visitors only visited Bowfin. The response from Arizona management has been no; no access through the parking lot and no access down the service road.

Bowfin is a small and close-knit organization. We value our crewmembers very much, and try to take care of them. So, Bowfin leadership and the board of directors opted to retain the entire organization on payroll for two weeks in anticipation of a short government shutdown. Unfortunately, Bowfin cannot continue paying payroll and fixed costs indefinitely without any revenues. Therefore, on Monday October 14th we will furlough the majority of our workforce. This will mean 50+ more people in Hawai'i will be without jobs until the end of the shutdown, or until the National Park Service allows us enough access to open our operations. Additionally, these furloughs will be different than the furloughs of Federal employees, as there will likely not be any back pay when the furloughs are ended.

The Missouri and the Pacific Aviation Museum have been able to continue operations throughout the shutdown. With the concurrence of the Navy, they have moved their bus loading point off of your property to the Navy property across the street. But Bowfin is shutdown because the National Park Service states they cannot allow any access during the shutdown, even if there are no requirements for Park Service personnel and all expenses are paid by Bowfin.

We will continue to urge the Administration and our Congressional delegation to try to come to a resolution of this shutdown as soon as possible. In the meantime, we request the National Park Service to consider some flexibility in the interpretation of the shutdown directives, and negotiate a resolution with us regarding access that will allow Bowfin to operate and save our crewmembers' jobs.

I am available to discuss this situation at any time. You can contact me at gusgustavson@hawaii.rr.com or on my cell phone at 808-783-7504.

Sincerely,

F. P. Gustavson
Rear Admiral, USN (Ret.)
Chairman of the Board of Directors
USS Bowfin Submarine Museum and Park

USS Bowfin Submarine Museum & Park

11 ARIZONA MEMORIAL DRIVE
HONOLULU, HAWAII 96818-3145
Telephone: (808) 423-1341
Fax: (808) 422-5201
E-mail: info@bowfin.org
http://www.bowfin.org

Pacific Fleet Submarine Memorial Association

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Serial : 130192
October 11, 2013

Mr. Jonathan B. Jarvis
Director, National Park Service
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C., 20240

Dear Jon:

I want to ensure you are aware of the ramifications of the government shutdown, and the National Park Service interpretation of the shutdown, are having on non-governmental entities here in Hawai'i.

As you know, the Arizona Memorial is closed. The normal access to the USS Bowfin Submarine and Museum is through the Arizona, so the Bowfin has also been closed since October 1st. The Bowfin is not on National Park Service land, but all access is across National Park Service property.

We have discussed this issue with National Park Service leadership locally and requested permission to allow Bowfin visitors to cross the closed Arizona parking lot or to walk down the service road that is used for the Missouri and Aviation Museum buses. The visitors would not have access to the Arizona Memorial, just the parking lot or the service road. We offered to provide additional security to ensure the visitors only visited Bowfin. The response from Arizona management has been no; no access through the parking lot and no access down the service road.

Bowfin is a small and close-knit organization. We value our crewmembers very much, and try to take care of them. So, Bowfin leadership and the board of directors opted to retain

the entire organization on payroll for two weeks in anticipation of a short government shutdown. Unfortunately, Bowfin cannot continue paying payroll and fixed costs indefinitely without any revenues. Therefore, on Monday October 14th we will furlough the majority of our workforce. This will mean 50+ more people in Hawai'i will be without jobs until the end of the shutdown, or until the National Park Service allows us enough access to open our operations. Additionally, these furloughs will be different than the furloughs of Federal employees, as there will likely not be any back pay when the furloughs are ended.

The Missouri and the Pacific Aviation Museum have been able to continue operations throughout the shutdown. With the concurrence of the Navy, they have moved their bus loading point off of your property to the Navy property across the street. But Bowfin is shutdown because the National Park Service states they cannot allow any access during the shutdown, even if there are no requirements for Park Service personnel and all expenses are paid by Bowfin.

We will continue to urge the Administration and our Congressional delegation to try to come to a resolution of this shutdown as soon as possible. In the meantime, we request the National Park Service to consider some flexibility in the interpretation of the shutdown directives, and negotiate a resolution with us regarding access that will allow Bowfin to operate and save our crewmembers' jobs.

I am available to discuss this situation at any time. You can contact me at gusgustavson@hawaii.rr.com **or on my cell phone at 808-783-7504.**

Sincerely,

Gus

F. P. Gustavson
Rear Admiral, USN (Ret.)
Chairman of the Board of Directors
USS Bowfin Submarine Museum and Park

Copy to:
Mr. Paul DePrey
Superintendent,
World War II Valor in the Pacific National Monument

From: Laura Davis <laura_davis@ios.doi.gov>
Sent: Tuesday, October 15, 2013 1:07 PM
To: Margaret O'Dell
Cc: Nicole Buffa
Subject: Re: Fords Theatre

She is still at a Cabinet meeting. We are prepared to have you come up as soon as she is back.

Sent from my iPhone

On Oct 15, 2013, at 1:04 PM, Margaret O'Dell <peggy_o'dell@nps.gov> wrote:

> Executive Director feels he needs to go out with press release now. I
> asked for an hour so we can brief the Secretary. Can you all see if we
> can get in to see her quickly. I am truly aware there are other
> priorities in DOI. Thanks for any help.
>
> Sent from my iPhone

From: Laura Davis <laura_davis@ios.doi.gov>
Sent: Tuesday, October 15, 2013 1:12 PM
To: Margaret O'Dell
Cc: Nicole Buffa
Subject: Re: Fords Theatre

Also - we have to go thru a number of process steps to get this finalized so a press release right away seems challenging.

Sent from my iPhone

On Oct 15, 2013, at 1:06 PM, Laura Davis <laura_davis@ios.doi.gov> wrote:

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> as soon as she is back.
>
> Sent from my iPhone
>
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>
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>> we can get in to see her quickly. I am truly aware there are other
>> priorities in DOI. Thanks for any help.
>>
>> Sent from my iPhone

From: Iacobucci, Francis <francis_iacobucci@ios.doi.gov>
Sent: Tuesday, October 15, 2013 1:16 PM
To: Edward Boling; Jonathan Jarvis; Katherine Kelly; Kevin Haugrud; Laura Davis; Margaret O'Dell; Nicole Buffa; Rachel Jacobson; [redacted]@ios.doi.gov
Cc: Erin Walls; Maureen Foster
Subject: Meeting re: Ford's Theatre

Please meet in the Secretary's office at 1:30pm today to discuss the subject above.

Many thanks,
Booch

From: Vogel, Bob <bob_vogel@nps.gov>
Sent: Tuesday, October 15, 2013 3:07 PM
To: Margaret O'Dell; Jonathan Jarvis; Maureen Foster; Steve Whitesell; Lisa Mendelson; Stephen Lorenzetti; Karen Cucurullo
Subject: Fwd: FW: UPDATE: FORD'S THEATRE REOPENS OCT. 16
Attachments: FORDS_REOPENING_10.16.ShutdownUpdate.pdf

Robert A. Vogel
Superintendent
National Mall and Memorial Parks
900 Ohio Drive, SW 20024-2000
(202) 245-4661
(202) 426-9303 (fax)

---------- Forwarded message ----------
From: **Kristin Fox** <kfox@fords.org>
Date: Tue, Oct 15, 2013 at 3:00 PM
Subject: FW: UPDATE: FORD'S THEATRE REOPENS OCT. 16
To: "Bob_Vogel@nps.gov" <Bob_Vogel@nps.gov>

Hi Bob,

Attached is the press release that FTS released this afternoon. We want to make sure that you had the final copy. Also, we want to make sure that we cut you a check this afternoon. Should it be made out to the National Park Service?

Thanks

Kristin Fox-Siegmund
Director of Programming
Ford's Theatre
514 10th Street, NW
Washington, DC 20004
202-434-9541 (o)
202-445-6519 (c)
202-347-6269 (f)
kfox@fords.org

Media Contact:
Lauren Beyea
Associate Director of Communications
(202) 434-9543 lbeyea@fords.org

Ford's Theatre
511 Tenth Street, NW
Washington, DC 20004

www.fords.org

FOR IMMEDIATE RELEASE
October 15, 2013

Ford's Theatre Society Announces Ford's Theatre National Historic Site Will Reopen Wednesday, October 16, 2013

Private Donor Donates $25,000 in Emergency Funding to Reopen Site

Daytime Visits and Performances of *The Laramie Project* Resume October 16

WASHINGTON, D.C.—**Paul R. Tetreault**, director of Ford's Theatre Society, announced that the **Ford's Theatre National Historic Site (FOTH) will reopen Wednesday, October 16, thanks to $25,000 in emergency funding provided by a key trustee, Ronald O. Perelman**. The site will reopen for daytime visits at 9a.m. on Wednesday, and **performances of *The Laramie Project* will resume** at 7:30 p.m. that evening. *The Laramie Project* runs through Oct. 27; all remaining tickets for performances are $25.

The agreement to reopen the site, which has been closed since Oct. 1, developed over the Columbus Day weekend in conversations between Tetreault and the National Park Service (NPS). After several states agreed to provide funding to reopen parks in their jurisdictions, Tetreault and NPS began exploring how a similar agreement might work for FOTH. In the spirit of continued cooperation between the Society and the National Park Service, the Society agreed to find funding to pay for park operations normally funded by NPS in four-day increments. The $25,000 gift will enable the Society to reopen the site for the next eight days.

"For 45 years, Ford's Theatre Society has been honored to operate Ford's Theatre in a public-private partnership with the National Park Service," **Tetreault said**. "For the last 15 days, both NPS and the Society have been exploring ways to reopen this important historic site to the public. Thanks to the generosity of Ronald O. Perelman, we have found a way to pay NPS's expenses for the next eight days. We look forward to welcoming our patrons back to *The Laramie Project* as well as our daytime programming. While we are pleased that we have found a short-term solution, we sincerely hope that the shutdown ends soon, as private dollars cannot replace the government's role at Ford's Theatre National Historic Site in the long term."

Ronald O. Perelman, Chairman and Chief Executive Officer of MacAndrews and Forbes Holdings Inc., is the Founding Sponsor of the Ford's Theatre Society's *Lincoln Legacy Project*; he also serves on the Society's Board of Trustees. *The Lincoln Legacy Project* is a multi-year programming effort to generate dialogue around the issues of tolerance, equality and acceptance. *The Laramie Project* is at the core of this year's *Lincoln Legacy* programming.

During the recent shutdown, performances of *The Laramie Project* were relocated to First Congregational United Church of Christ, just up the street.

"Though the shutdown has been painful, we have been amazed by the generosity of Rev. Sidney Fowler and the members of First Congregational, who have opened their beautiful space to us for more than a week of performances," **Tetreault said**. "We were honored to be in their space, and we look forward to future collaborations with our neighbors."

Ford's Theatre Society (FTS) is a private non-profit 501(c)(3) organization and does not use any federal funding nor federal employees for its programming.

The Laramie Project
By Moisés Kaufman and Members of the Tectonic Theater Project
Directed by Matthew Gardiner
Part of *The Lincoln Legacy Project*
Through October 27, 2013 * All Remaining Tickets Are $25
The Laramie Project presents a deeply complex portrait of a community's response to the 1998 murder of Matthew Shepard, a young gay man living in Laramie, Wyoming. In a series of poignant reflections, the residents of Laramie react to the hate crime and surrounding media storm with anger, bewilderment and sorrow. The play portrays the seismic and deeply personal impact Matthew's death had on this small town while also demonstrating the power of the human spirit to triumph over bigotry and violence. Fifteen years later, Matthew Shepard's story still reverberates, urging us on with its clarion call to confront the destructive power of bullying and hate, in all forms. *The Laramie Project* is the third offering in the multi-year *Lincoln Legacy Project*—an effort to generate dialogue around issues of tolerance, equality and acceptance. Experience the story that TIME Magazine calls "a pioneering and powerful stage event."

Special Exhibition- *Not Alone: The Power of Response*
Second Floor Gallery: Center for Education and Leadership (514 Tenth Street NW)
Through November 3, 2013
Following Matthew Shepard's attack in 1998, complete strangers from all over the world, moved by the horrific circumstances of Matthew's death, reached out to his parents, Judy and Dennis Shepard, to share their condolences, outrage, grief, love and support. *Not Alone: The Power of Response* pairs artist Jeff Sheng's *Where Matthew Lay Dying*, a hauntingly beautiful composite photograph of the fence outside Laramie—taken from Matthew's perspective—with a selection of the letters sent to the Shepard family in order to explore the themes of empathy, community response and personal responsibility.

Walking Tour:
Investigation: Detective McDevitt
written by Richard Hellesen
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runs March through October
On the night of April 14, 1865, Detective James McDevitt was on duty at the Washington Metropolitan Police headquarters, a half-block from Ford's Theatre. Just before 10:30, frantic witnesses rushed in with horrifying news: President Lincoln had been shot at the theatre. Join Detective McDevitt as he revisits the sites and reexamines the clues from the investigation into the Lincoln Assassination Conspiracy. *Investigation: Detective McDevitt* lasts approximately two hours and makes at least eight stops throughout the story. The distance walked is approximately 1.6 miles from Ford's Theatre to the White

House. Wear comfortable shoes. Tickets are currently available for dates through October 26, 2013. Spring 2014 dates will be announced in January 2014.

-more-

Daytime Visits to the Ford's Theatre Campus
Patrons can visit the Ford's Theatre National Historic Site (Museum, Theatre and Petersen House) and Center for Education and Leadership starting at 9 a.m. on Wednesday, October 16. Tickets for October 16 through October 20 will be available for free on a walk-up basis.

National Park Service and Ford's Theatre Society Partnership
Since Ford's Theatre's reopening in 1968, more than 100 years after the April 14, 1865, assassination of President Abraham Lincoln, it has been one of the most visited sites in the nation's capital. Operated through a partnership with the National Park Service and Ford's Theatre Society, Ford's Theatre has enthralled visitors because of its unique place in United States history, and its mission to celebrate the legacy of Abraham Lincoln and explore the American experience through theatre and education. The NPS and FTS work together to present the Theatre's nearly one million annual visitors with a high quality historical and cultural experience.

Ford's Theatre Society
The Ford's Theatre Society was founded under the guidance of executive producer **Frankie Hewitt**, who, during her 35-year tenure, established Ford's as a living, working theatre producing performances that highlighted the diversity of the American experience. Since the arrival of **Paul R. Tetreault** as Director, critics and the theatregoing public have recognized Ford's for the superior quality of its artistic programming. With works from the nationally acclaimed *Big River* to the world premieres of *Meet John Doe*, *The Heavens Are Hung In Black*, *Liberty Smith* and *Necessary Sacrifices*, Ford's Theatre is making its mark on the American theatre landscape. Under the leadership of **Wayne R. Reynolds**, Board of Trustees Chairman Emeritus (Chairman 2007 to 2012), the mission of Ford's Theatre Society expanded to include education as a central pillar. This expansion led to the creation and construction of the Center for Education and Leadership, which opened in February 2012. Currently, under the leadership of Board of Trustees Chairman **Eric A. Spiegel**, Ford's enters a second phase of strategic planning to ensure the organization's place as a national destination for exploring Lincoln's legacy and the American experience through the intersection of history, performance and education.

For more information on Ford's Theatre and the Ford's Theatre Society, please visit www.fords.org.

###

From: Jarvis, Jonathan <jon_jarvis@nps.gov>
Sent: Tuesday, October 15, 2013 3:13 PM
To: Laura Davis; [redacted]@ios.doi.gov; Nicole Buffa; Rachel Jacobson; Peggy O'Dell
Subject: Fwd: FW: UPDATE: FORD'S THEATRE REOPENS OCT. 16
Attachments: FORDS_REOPENING_10.16.ShutdownUpdate.pdf

Here we go!

---------- Forwarded message ----------
From: **Vogel, Bob** <bob_vogel@nps.gov>
Date: Tue, Oct 15, 2013 at 3:06 PM
Subject: Fwd: FW: UPDATE: FORD'S THEATRE REOPENS OCT. 16
To: Margaret O'Dell <Peggy_O'Dell@nps.gov>, Jonathan Jarvis <jon_jarvis@nps.gov>, Maureen Foster <maureen_foster@nps.gov>, Steve Whitesell <Steve_Whitesell@nps.gov>, Lisa Mendelson <Lisa_Mendelson-Ielmini@nps.gov>, Stephen Lorenzetti <steve_lorenzetti@nps.gov>, Karen Cucurullo <karen_cucurullo@nps.gov>

Robert A. Vogel
Superintendent
National Mall and Memorial Parks
900 Ohio Drive, SW 20024-2000
(202) 245-4661
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--
Jonathan B. Jarvis
Director, NPS

Media Contact:
Lauren Beyea
Associate Director of Communications
(202) 434-9543 lbeyea@fords.org

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###

Young, Deirdre R

From: Neubacher, Patricia <patty_neubacher@nps.gov>
Sent: Friday, October 11, 2013 9:27 PM
To: Trystan Stern
Subject: Fwd: Approval to Reopen
Attachments: Cliff House_Conditional Approval to Reopen.docx

fyi

---------- Forwarded message ----------
From: **Frank Dean** <frank_dean@nps.gov>
Date: Fri, Oct 11, 2013 at 6:24 PM
Subject: Fwd: Approval to Reopen
To: Patricia Neubacher <patty_neubacher@nps.gov>
Cc: Jessica Carter <jessica_carter@nps.gov>, Aaron Roth <Aaron_Roth@nps.gov>, Chris Lehnertz <Chris_Lehnertz@nps.gov>

Patty,

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

Frank

Begin forwarded message:

> **From:** "McDowall, Lena" <lena_mcdowall@nps.gov>
> **Date:** October 11, 2013 6:17:06 PM PDT
> **To:** dmhountalas@sbcglobal.net
> **Cc:** Frank Dean <frank_dean@nps.gov>, Aaron Roth <Aaron_Roth@nps.gov>, lhaas@hnattorneys.com
> **Subject: Approval to Reopen**
>
> Please see the attached memo approving your request to reopen.
>
> --
> Lena McDowall
> Associate Director, Business Services
> Ph: (202) 208-5651
> Cell: (202) 641-1814
> Email: Lena_McDowall@nps.gov

--
Patty Neubacher

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

VIA ELECTRONIC MAIL: NO HARD COPY TO FOLLOW

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

Mr. Demosthenis M. Hountalas
President
Peanut Wagon, Inc.
Dba The Cliff House
1090 Point Lobos Avenue
San Francisco, CA 94121

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

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

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

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

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

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

Please acknowledge by reply email that these terms are satisfactory.

Sincerely,

/s/Lena McDowall
Associate Director, Business Services

cc: Frank Dean
Louis N. Haas

Young, Deirdre R

From: Patricia Neubacher <patty_neubacher@nps.gov>
Sent: Friday, October 11, 2013 11:58 PM
To: jack_oelfke@nps.gov
Cc: Chip_Jenkins@nps.gov; karen_taylor-goodrich@nps.gov
Subject: Re: Cliff House

Call for everyone.

From: Oelfke, Jack [mailto:jack_oelfke@nps.gov]
Sent: Friday, October 11, 2013 08:14 PM
To: Patricia Neubacher <patty_neubacher@nps.gov>
Cc: Palmer Jenkins <Chip_Jenkins@nps.gov>; Karen Taylor-Goodrich <karen_taylor-goodrich@nps.gov>
Subject: Re: Cliff House

sorry, perhaps I should have been clearer - are you holding a call for others to join in on, or would this just be to discuss NOCA concessions?

Jack

On Fri, Oct 11, 2013 at 8:05 PM, Patricia Neubacher <patty_neubacher@nps.gov> wrote:
Only if you want to. Totaally your call

From: Oelfke, Jack [mailto:jack_oelfke@nps.gov]
Sent: Friday, October 11, 2013 06:46 PM
To: Neubacher, Patricia <patty_neubacher@nps.gov>; Palmer Jenkins <chip_jenkins@nps.gov>; Karen Taylor-Goodrich <karen_taylor-goodrich@nps.gov>
Subject: Re: Cliff House

So - do you need me on an 8 am call for NOCA? I can certainly do it if necessary. Just had a good conversation with Chip about it, too -

Jack

On Fri, Oct 11, 2013 at 5:29 PM, Neubacher, Patricia <patty_neubacher@nps.gov> wrote:
Well, just got off the phone with Lena and Bruce...and then this arrived. I guess that Frank and Aaron don't need to be on a call at 8am tomorrow!

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

They are acting on them after having discussed this with Aaron and/or Frank? Understand that Wawona has also been approved, after discussions with Don? So, Don be expecting that notification in a few minutes as well. Todd/Sarah: Looks like, based on Todd's note, they are moving forward on approving Kalaoch (sp?).

It really is a bit of a wacky day!

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

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

--
Jonathan B. Jarvis
Director, NPS

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

--
Jack Oelfke
Chief, Natural and Cultural Resources
North Cascades National Park Complex
810 State Route 20
Sedro-Woolley, WA 98284
360-854-7310 (office)
360-391-8138 (cell)

--
Jack Oelfke
Chief, Natural and Cultural Resources
North Cascades National Park Complex
810 State Route 20
Sedro-Woolley, WA 98284
360-854-7310 (office)
360-391-8138 (cell)

Young, Deirdre R

From: Neubacher, Patricia <patty_neubacher@nps.gov>
Sent: Friday, October 11, 2013 9:31 PM
To: NPS PWR LIA POCs; Kevin Killian
Subject: Concessions update

Just fyi - at this point, the final approved criteria has not been given to Lena McDowall, and it is not yet posted on the DOI website.

However, we have been notified that the Cliff House and the Youth Hostel at GOGA have been approved for reopening...you may see information about this in the news tomorrow...not really sure.

It looks like a couple of other concessions operations are in the que to be approved tonight as well. We will send the criteria as soon as we receive it.

Thanks again for all of your patience.

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

Young, Deirdre R

From: Neubacher, Patricia <patty_neubacher@nps.gov>
Sent: Friday, October 11, 2013 9:26 PM
To: Frank Dean
Subject: Re: Approval to Reopen

thanks for sharing!

On Fri, Oct 11, 2013 at 6:24 PM, Frank Dean <frank_dean@nps.gov> wrote:
Patty,

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

Frank

Begin forwarded message:

> **From:** "McDowall, Lena" <lena_mcdowall@nps.gov>
> **Date:** October 11, 2013 6:17:06 PM PDT
> **To:** dmhountalas@sbcglobal.net
> **Cc:** Frank Dean <frank_dean@nps.gov>, Aaron Roth <Aaron_Roth@nps.gov>, lhaas@hnattorneys.com
> **Subject: Approval to Reopen**
>
> Please see the attached memo approving your request to reopen.
>
> --
> Lena McDowall
> Associate Director, Business Services
> Ph: (202) 208-5651
> Cell: (202) 641-1814
> Email: Lena_McDowall@nps.gov

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

Young, Deirdre R

From: Neubacher, Patricia <patty_neubacher@nps.gov>
Sent: Friday, October 11, 2013 9:25 PM
To: Chip Jenkins; Scott Wanek; Craig Dalby; Don Neubacher; Sarah Creachbaum; Kathleen Billings
Subject: Fwd: Approval to Reopen
Attachments: Cliff House_Conditional Approval to Reopen.docx

fyi

---------- Forwarded message ----------
From: **Frank Dean** <frank_dean@nps.gov>
Date: Fri, Oct 11, 2013 at 6:24 PM
Subject: Fwd: Approval to Reopen
To: Patricia Neubacher <patty_neubacher@nps.gov>
Cc: Jessica Carter <jessica_carter@nps.gov>, Aaron Roth <Aaron_Roth@nps.gov>, Chris Lehnertz <Chris_Lehnertz@nps.gov>

Patty,

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

Frank

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> Email: Lena_McDowall@nps.gov

--
Patty Neubacher

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

VIA ELECTRONIC MAIL: NO HARD COPY TO FOLLOW

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

Mr. Demosthenis M. Hountalas
President
Peanut Wagon, Inc.
Dba The Cliff House
1090 Point Lobos Avenue
San Francisco, CA 94121

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

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

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

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

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

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

Please acknowledge by reply email that these terms are satisfactory.

Sincerely,

/s/Lena McDowall
Associate Director, Business Services

cc: Frank Dean
Louis N. Haas

Young, Deirdre R

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

Patty,

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

Frank

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

VIA ELECTRONIC MAIL: NO HARD COPY TO FOLLOW

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

Mr. Demosthenis M. Hountalas
President
Peanut Wagon, Inc.
Dba The Cliff House
1090 Point Lobos Avenue
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3. Nothing in this letter shall affect any of NPS's rights, powers, or authorities as set forth in the Contract, or in applicable regulations and statutes.

Please acknowledge by reply email that these terms are satisfactory.

Sincerely,

/s/Lena McDowall
Associate Director, Business Services

cc: Frank Dean
Louis N. Haas

Young, Deirdre R

From: Neubacher, Patricia <patty_neubacher@nps.gov>
Sent: Friday, October 11, 2013 9:15 PM
To: Chip Jenkins; Scott Wanek; Craig Dalby; Chris Lehnertz
Subject: Fwd: Conference call regarding Concessions applications - 8am PDT, Saturday?

---------- Forwarded message ----------
From: **Billings, Kathleen** <kathy_billings@nps.gov>
Date: Fri, Oct 11, 2013 at 6:12 PM
Subject: Re: Conference call regarding Concessions applications - 8am PDT, Saturday?
To: "Neubacher, Patricia" <patty_neubacher@nps.gov>
Cc: Sherry Wood <sherry_wood@nps.gov>, Karen McKinlay-Jones <karen_mckinlay-jones@nps.gov>

I can make it.
Kathy

On Friday, October 11, 2013, Neubacher, Patricia wrote:
Would you all be available for a phone call on Saturday morning to discuss what you're thinking about your concessions applications to open up? Some of you have the same concessions folks -- and seems like it might be a good idea to chat about what you all are thinking as you evaluate your response to Lena.

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

Non-responsive

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

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

--

Kathy Billings
Superintendent
Death Valley National Park
(760)786-3240

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

Young, Deirdre R

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

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

Frank

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

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

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

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

Thanks- great news!

Frank

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

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It really is a bit of a wacky day!

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Director, NPS

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Deputy Regional Director
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(415) 623-2105 work
(510) 604-9998 cell

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

Young, Deirdre R

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

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> *Director, NPS*

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

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

Young, Deirdre R

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

Patty,

Thanks- great news!

Frank

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> *Jonathan B. Jarvis*
> *Director, NPS*

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

Young, Deirdre R

From: Palmer Jenkins <chip_jenkins@nps.gov>
Sent: Friday, October 11, 2013 8:37 PM
To: Neubacher, Patricia
Subject: Re: Cliff House

When you get off time for a quick call?

Sent from my iPhone

On Oct 11, 2013, at 5:36 PM, "Neubacher, Patricia" <patty_neubacher@nps.gov> wrote:

> yep On the phone with state parks guy from hawaii
>
> On Fri, Oct 11, 2013 at 5:34 PM, Palmer Jenkins <chip_jenkins@nps.gov> wrote:
> You still in the office?
>
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Director, NPS

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Pacific West Region
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Young, Deirdre R

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Patty Neubacher

Deputy Regional Director
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> *Jonathan B. Jarvis*
> *Director, NPS*

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

(510) 604-9998 cell

Young, Deirdre R

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

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

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

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Jonathan B. Jarvis
Director, NPS

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

Young, Deirdre R

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

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

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

Non-responsive [redacted]

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

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

Young, Deirdre R

From: Neubacher, Patricia <patty_neubacher@nps.gov>
Sent: Friday, October 11, 2013 5:07 PM
To: McDowall, Lena
Subject: Re: Concessions Policy

Thanks Lena. This will be very helpful.

On Fri, Oct 11, 2013 at 2:05 PM, McDowall, Lena <lena_mcdowall@nps.gov> wrote:
All -

I cannot send the actual draft policy since I don't have the latest version (still with the lawyers), but the bullets below generally reflect the criteria that will be outlined in the final policy. As Jon mentioned on the 3pm call, he had a call with NPHA members this morning to talk about the shutdown. In that call he described in very general terms the criteria we were considering to help us determine which concessions and partner organizations might reopen (in the short-term, through 10/30) under the shutdown. Under the proposed policy only concessions, partners or cooperators that meet the general criteria below would be considered for reopening.

- The facility or area is directly accessible from private land or a road that is currently open as a through-road.

- Facility is "self-contained;" visitors do not require access to or the use of other National Park lands or facilities. Example: a stand-alone restaurant.

- Re-opening the facility will not require the NPS to expend resources in violation of the anti-deficiency act to allow this operation to be open through 10/30.

Concessioners or cooperators and other partners would have to agree to any conditions we applied to their reopening, and the NPS would reserve the right to revisit its decision should the concessioner's operation or the cumulative effect of too many concessioners in operation across the NPS create an oversight challenge that we cannot handle and still comply with the anti-deficiency act.

We will talk in more detail about the policy and the process we plan to follow to consider requests on the 5:30pm call today.

--Lena

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

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

Young, Deirdre R

From: Neubacher, Patricia <patty_neubacher@nps.gov>
Sent: Friday, October 11, 2013 5:07 PM
To: NPS PWR LIA POCs; Chip Jenkins
Subject: Fwd: Concessions Policy

fyi -- and in anticipation of our call at 2:30pm with Jon Jarvis

---------- Forwarded message ----------
From: **McDowall, Lena** <lena_mcdowall@nps.gov>
Date: Fri, Oct 11, 2013 at 2:05 PM
Subject: Concessions Policy
To: Sue Masica <sue_masica@nps.gov>, Patricia Neubacher <patty_neubacher@nps.gov>, Colin Campbell <colin_campbell@nps.gov>, Patricia Trap <patricia_trap@nps.gov>, Gordon Wissinger <gordon_wissinger@nps.gov>, Michael Caldwell <mike_caldwell@nps.gov>, Lisa Mendelson <lisa_mendelson-ielmini@nps.gov>
Cc: Peggy O'Dell <Peggy_O'Dell@nps.gov>, Bruce Sheaffer <Bruce_Sheaffer@nps.gov>, Maureen Foster <maureen_foster@nps.gov>

All -

I cannot send the actual draft policy since I don't have the latest version (still with the lawyers), but the bullets below generally reflect the criteria that will be outlined in the final policy. As Jon mentioned on the 3pm call, he had a call with NPHA members this morning to talk about the shutdown. In that call he described in very general terms the criteria we were considering to help us determine which concessions and partner organizations might reopen (in the short-term, through 10/30) under the shutdown. Under the proposed policy only concessions, partners or cooperators that meet the general criteria below would be considered for reopening.

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

Young, Deirdre R

From: McDowall, Lena <lena_mcdowall@nps.gov>
Sent: Friday, October 11, 2013 5:06 PM
To: Sue Masica; Patricia Neubacher; Colin Campbell; Patricia Trap; Gordon Wissinger; Michael Caldwell; Lisa Mendelson
Cc: Peggy O'Dell; Bruce Sheaffer; Maureen Foster
Subject: Concessions Policy

All -

I cannot send the actual draft policy since I don't have the latest version (still with the lawyers), but the bullets below generally reflect the criteria that will be outlined in the final policy. As Jon mentioned on the 3pm call, he had a call with NPHA members this morning to talk about the shutdown. In that call he described in very general terms the criteria we were considering to help us determine which concessions and partner organizations might reopen (in the short-term, through 10/30) under the shutdown. Under the proposed policy only concessions, partners or cooperators that meet the general criteria below would be considered for reopening.

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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: Neubacher, Patricia <patty_neubacher@nps.gov>
Sent: Friday, October 11, 2013 5:05 PM
To: Jeffrey Compton
Subject: Fwd: Conference call on concessions

Thanks for your help in getting this set up. I hope this helps explain to the supts what is going on. They're pretty annoyed at this point.

---------- Forwarded message ----------
From: **Foster, Maureen** <maureen_foster@nps.gov>
Date: Fri, Oct 11, 2013 at 1:25 PM
Subject: Conference call on concessions
To: Bruce Sheaffer <Bruce_Sheaffer@nps.gov>, Colin Campbell <colin_campbell@nps.gov>, Lena McDowall <Lena_McDowall@nps.gov>, Lisa Mendelson-Ielmini <Lisa_Mendelson-Ielmini@nps.gov>, Michael Caldwell <mike_caldwell@nps.gov>, Patricia Trap <patricia_trap@nps.gov>, Patty Neubacher <Patty_Neubacher@nps.gov>, Sue Masica <Sue_Masica@nps.gov>, Gordon Wissinger <gordon_wissinger@nps.gov>, Sue Waldron <Sue_Waldron@nps.gov>, Peggy O'Dell <Peggy_O'Dell@nps.gov>

Please share with your park supts

Conference call number:
Non-responsive
Passcode: Non-respon

Friday, October 11
5:30 EDT

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

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

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

Young, Deirdre R

From: Neubacher, Patricia <patty_neubacher@nps.gov>
Sent: Friday, October 11, 2013 5:05 PM
To: Chip Jenkins
Subject: Fwd: Conference call on concessions

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Patty Neubacher

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

Young, Deirdre R

From: Neubacher, Patricia <patty_neubacher@nps.gov>
Sent: Friday, October 11, 2013 5:04 PM
To: Palmer Jenkins; Craig Dalby
Subject: Re: Can you send me the call in info for the concession call at 230?

sorry...didn't realize you hadn't been added to the POC list?

On Fri, Oct 11, 2013 at 2:03 PM, Palmer Jenkins <chip_jenkins@nps.gov> wrote:
Sent from my iPhone

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

Young, Deirdre R

From: Palmer Jenkins <chip_jenkins@nps.gov>
Sent: Friday, October 11, 2013 5:04 PM
To: Patricia Neubacher
Subject: Can you send me the call in info for the concession call at 230?

Sent from my iPhone

Young, Deirdre R

From: Neubacher, Patricia <patty_neubacher@nps.gov>
Sent: Friday, October 11, 2013 4:28 PM
To: Beverly Stephens
Subject: Fwd: Conference call on concessions

---------- Forwarded message ----------
From: **Foster, Maureen** <maureen_foster@nps.gov>
Date: Fri, Oct 11, 2013 at 1:25 PM
Subject: Conference call on concessions
To: Bruce Sheaffer <Bruce_Sheaffer@nps.gov>, Colin Campbell <colin_campbell@nps.gov>, Lena McDowall <Lena_McDowall@nps.gov>, Lisa Mendelson-Ielmini <Lisa_Mendelson-Ielmini@nps.gov>, Michael Caldwell <mike_caldwell@nps.gov>, Patricia Trap <patricia_trap@nps.gov>, Patty Neubacher <Patty_Neubacher@nps.gov>, Sue Masica <Sue_Masica@nps.gov>, Gordon Wissinger <gordon_wissinger@nps.gov>, Sue Waldron <Sue_Waldron@nps.gov>, Peggy O'Dell <Peggy_O'Dell@nps.gov>

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(415) 623-2105 work
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Young, Deirdre R

From: Neubacher, Patricia <patty_neubacher@nps.gov>
Sent: Friday, October 11, 2013 4:28 PM
To: NPS PWR LIA POCs
Subject: Fwd: Conference call on concessions

FYI -- I'd phone in a bit early just to make sure you get on. But that's just me....

---------- Forwarded message ----------
From: **Foster, Maureen** <maureen_foster@nps.gov>
Date: Fri, Oct 11, 2013 at 1:25 PM
Subject: Conference call on concessions
To: Bruce Sheaffer <Bruce_Sheaffer@nps.gov>, Colin Campbell <colin_campbell@nps.gov>, Lena McDowall <Lena_McDowall@nps.gov>, Lisa Mendelson-Ielmini <Lisa_Mendelson-Ielmini@nps.gov>, Michael Caldwell <mike_caldwell@nps.gov>, Patricia Trap <patricia_trap@nps.gov>, Patty Neubacher <Patty_Neubacher@nps.gov>, Sue Masica <Sue_Masica@nps.gov>, Gordon Wissinger <gordon_wissinger@nps.gov>, Sue Waldron <Sue_Waldron@nps.gov>, Peggy O'Dell <Peggy_O'Dell@nps.gov>

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Patty Neubacher

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(415) 623-2105 work
(510) 604-9998 cell

Young, Deirdre R

From: Foster, Maureen <maureen_foster@nps.gov>
Sent: Friday, October 11, 2013 4:26 PM
To: Bruce Sheaffer; Colin Campbell; Lena McDowall; Lisa Mendelson-Ielmini; Michael Caldwell; Patricia Trap; Patty Neubacher; Sue Masica; Gordon Wissinger; Sue Waldron; Peggy O'Dell
Subject: Conference call on concessions

Please share with your park supts

Conference call number:
Non-responsive
Passcode: Non-respon

Friday, October 11
5:30 EDT

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Young, Deirdre R

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

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

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

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

Were you okay with the talking points?

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

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

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

Sent from my iPhone

Begin forwarded message:

> **From:** <Colleen.Jenkins@thomsonreuters.com>
> **Date:** October 3, 2013, 11:22:52 AM EDT
> **To:** <Karen_Cucurullo@nps.gov>
> **Subject: Pisgah Inn**
>
> Hi Karen,
>
> I'm working on a story for Reuters about the Pisgah Inn in NC's Blue Ridge Mts choosing to stay open despite the government shutdown. Are you available to answer some questions regarding this matter? I can be reached at 727.331.4274.

Thanks!

Colleen

Colleen Jenkins
Correspondent, U.S. General News

Reuters

Thomson Reuters

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

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

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

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

1. We advised the Pisgah Inn on Tuesday, October 1, that all National Park visitor services, facilities and activities, including its concession operation, are required to close because of the Federal Government shutdown. The guidance provided to the concession operator required Mt. Pisgah Inn to close by 6 p.m. today, October 3, with guests making alternative arrangements for over-night accommodations.
2. The Blue Ridge Parkway thoroughfare remains open to through traffic for travelers and commuters. All Parkway visitor facilities are closed, however. These include: seven Visitor Centers, eight picnic areas, the Peaks of Otter Lodge, Sharp Top Bus service and Country Store, Mabry Mill Restaurant and gift shop, the Blue Ridge Music Center, Cone Manor House and Craft Center, Linville Falls trailhead, Museum of NC Minerals, the Folk Art Center, Pisgah Inn, restaurant, gift shop and camp store.
3. We understand that this is a great disappointment to many visitors and a hardship for all employees, including those of the concessioner, and we wish the situation was different.
4. Although the Pisgah Inn is a private business, it is a concession that operates under contract with the National Park Service. Its buildings and facilities belong to the National Park Service. During the lapse in appropriations all National Park Service visitor services, facilities and activities are closed.
5. Blue Ridge Parkway continues to have Park Rangers available to respond to public safety needs and to protect resources and park facilities. Parkway law enforcement continuously coordinates with Transylvania County Fire, Sheriff and EMT for public health and safety.
6. Regarding sanitary facilities, there are available facilities off of the parkway thoroughfare.
7. We agree that safety and security for those traveling on the Parkway is a paramount concern. That is why Parkway law enforcement rangers continue to be available to respond.

8. We know that many people wanting to stay at the inn and view the fall leaf colors will be disappointed and we wish the circumstances were different. "This is a very unfortunate situation and hundreds of other concession operators in national parks around the country are closed because of the lapse in funding. We wish we could make an exception in this case, but that would not be fair to the other operators and their employees who are also out of work right now."
9. We are exploring a range of options to inform the inn and its guests of the requirement for the inn to close. We will advise you of our course of action at the appropriate time.

DRAFT

Young, Deirdre R

From: Benge, Shawn <shawn_benge@nps.gov>
Sent: Thursday, October 03, 2013 2:55 PM
To: William Reynolds
Subject: Fwd: Blue Ridge Parkway concessions

---------- Forwarded message ----------
From: **Elliott, Beverly** <Beverly.Elliott@mail.house.gov>
Date: Thu, Oct 3, 2013 at 2:01 PM
Subject: Blue Ridge Parkway concessions
To: "shawn_benge@nps.gov" <shawn_benge@nps.gov>
Cc: "King, Wayne" <Wayne.King@mail.house.gov>

Dear Deputy Director Benge:

Please call me today, October 3, at your earliest convenience to discuss the imminent closing of the Pisgah Inn on the Blue Ridge Parkway. The Congressman wants an update on the situation and I would appreciate a call from you regarding this matter. I called your number (404-507-5605) earlier today and left you a message about this same issue.

Thank you for your timely response to this matter.

Sincerely,

Beverly Elliott

Congressman Mark Meadows

828-200-6026 mobile

828-693-5660 office

828-693-5603 fax

--

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

Young, Deirdre R

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Thursday, October 03, 2013 2:31 PM
To: William Reynolds
Cc: Karen Cucurullo; Shawn Benge; Maureen Foster; Lena McDowall; Mike Litterst
Subject: Re: Pisgah Inn

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

Were you okay with the talking points?

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

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> **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
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www.reuters.com

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Young, Deirdre R

From: William Reynolds <william_f_reynolds@nps.gov>
Sent: Thursday, October 03, 2013 2:16 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

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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

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> Colleen
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> **Colleen Jenkins**
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Mobile: 727.331.4274
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Young, Deirdre R

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

Mark,

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

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

On Thu, Oct 3, 2013 at 1:45 PM, Stinnett, Steve <steve_stinnett@nps.gov> wrote:
I just had a message from Phillip Newman, Congressman Meadows Office in DC. He wants a copy of the concession contract for the Pisgah Inn in order to see why they have to actually close since the road is still open. I am not able to get that information and I am leaving the office to head to the Pisgah Inn.

His contact information is: 202-225-6401

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

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--

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

Young, Deirdre R

From: Stinnett, Steve <steve_stinnett@nps.gov>
Sent: Thursday, October 03, 2013 1:45 PM
To: Mark Woods; Shawn Benge; David Horne
Subject: Pisgah Inn

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

His contact information is: 202-225-6401

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

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Young, Deirdre R

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

We're on for 1215.

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

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

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

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
199 Hemphill Knob Rd
Asheville, NC 28803
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On Thu, Oct 3, 2013 at 11:49 AM, Mark Woods <mark_woods@nps.gov> wrote:
Steve. 12:15 is good for everyone for the call.

Mark H. Woods
Superintendent
Blue Ridge Parkway

Sent from my iPad

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

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> ---------- Forwarded message ----------
> From: **Stinnett, Steve** <steve_stinnett@nps.gov>
> Date: Thu, Oct 3, 2013 at 10:35 AM
> Subject: Re: Letter to concession operator
> To: "Horne, David" <david_horne@nps.gov>
> Cc: Shawn Benge <shawn_benge@nps.gov>, William Reynolds <william_f_reynolds@nps.gov>
>
> Bill,
>
> I have a media call from a Reuters reporter from Winston Salem that want to talk about the Pisgah Inn. Guidance?
>
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On Thu, Oct 3, 2013 at 10:22 AM, Horne, David <david_horne@nps.gov> wrote:
That's great news Steve! I suggest we keep working on our plan until we see evidence of compliance.

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

Call in: Non-responsive
Pass Code: Non-responsive

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

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

On Thu, Oct 3, 2013 at 10:08 AM, Stinnett, Steve <steve_stinnett@nps.gov> wrote:
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Shawn,

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

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

Young, Deirdre R

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To: "Horne, David" <david_horne@nps.gov>
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That's great news Steve! I suggest we keep working on our plan until we see evidence of compliance.

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

Call in: 866-735-5051
Pass Code: 9509116#

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

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

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Talk to Lena this evening. Waso should have some draft language for us review mid morning tomorrow. Focused on the civil side.

Young, Deirdre R

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

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

Standby.

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

Here's the draft letter closing the facility without the contract termination threat.

Thanks,

Lena

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

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

Young, Deirdre R

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

greta - will move this down in order of prioirity then

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

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

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

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

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

On Thu, Oct 3, 2013 at 9:33 AM, Reynolds, William <william_f_reynolds@nps.gov> wrote:
Maybe just name a few of the well known concessions that ARE closed, and follow up with a statement along these lines: "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."

How does that sound to everyone?

Sue and Mike, please feel free to weigh in!

On Thu, Oct 3, 2013 at 9:12 AM, Stinnett, Steve <steve_stinnett@nps.gov> wrote:
Now that I think about it I suppose we should leave out the names (other than the concessions and locations like the manor house) and just give the totals for VCs, PAs, and CGs,

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On Thu, Oct 3, 2013 at 8:38 AM, Stinnett, Steve <steve_stinnett@nps.gov> wrote:
Its long list of facilities (even without those closed due to the decreased funding related to Sequestration).

Steve Stinnett
Chief Ranger

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On Wed, Oct 2, 2013 at 9:05 PM, Reynolds, William <william_f_reynolds@nps.gov> wrote:
Steve, please take first crack at these DRAFT Talking Points. Others, feel free to chime in after Steve.
Thanks,
Bill

On Wed, Oct 2, 2013 at 7:59 PM, Suzanne Waldron <sue_waldron@nps.gov> wrote:
Can we see the tpts?

Sent from my iPhone

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

> Thanks, Steve! Looping in WASO
>
> ---
>
> **From**: Stinnett, Steve [mailto:steve_stinnett@nps.gov]
> **Sent**: Wednesday, October 02, 2013 03:46 PM
> **To**: William Reynolds <william_f_reynolds@nps.gov>
> **Cc**: Shawn Benge <shawn_benge@nps.gov>; David Horne <david_horne@nps.gov>
> **Subject**: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times
>
> Here is a link to the Citizen Times and USA Today articles. They are affiliated. Also Asheville ABC affiliate WLOS.
>
> http://www.citizen-times.com/article/20131002/NEWS01/310020080/Pisgah-Inn-refuses-close-federal-shutdown
>
> http://www.usatoday.com/story/news/nation/2013/10/02/blue-ridge-lodge-to-defy-shutdown-order/2911875/
>
> http://www.wlos.com/shared/news/features/top-stories/stories/wlos_pisgah-inn-open-despite-govt-shutdown-13458.shtml
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On Wed, Oct 2, 2013 at 5:50 PM, William Reynolds <william_f_reynolds@nps.gov> wrote:
Steve, had two more phone calls with other parks, then had to catch my last bus home. Will finish the DRAFT talking points and send to you tonight.
Bill

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

copy

Steve Stinnett
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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Hope to have the talking points to you shortly.
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I hope that is acceptable. I was not comfortable saying no comment.

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

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Sue Waldron
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Young, Deirdre R

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

OK. We will be here for you.

Sent from my iPhone

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

> I don't trust that the concession operator will comply (hope that he will). I think we should have a plan just in case, so I would like to keep the 3:00. We will make it as brief as possible. We can spend a couple of minutes on storm stuff too.
>
> On Thu, Oct 3, 2013 at 10:42 AM, Margaret O'Dell <peggy_o'dell@nps.gov> wrote:
> Do you still need a call at 3 to discuss Pisgah? We can still discuss storm if you want. Just let me know. Thanks.
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> **From:** Michael Litterst <mike_litterst@nps.gov>
> **Date:** October 3, 2013, 10:29:27 AM EDT
> **To:** Jonathan Jarvis <jon_jarvis@nps.gov>, "Margaret O'Dell" <peggy_o'dell@nps.gov>, Maureen Foster <maureen_foster@nps.gov>, Lena McDowall <Lena_McDowall@nps.gov>
> **Subject: Fwd: Pisgah Inn update**
>
> Mike Litterst
> Chief Spokesperson (Acting)
> National Park Service
> 1849 C Street NW room 3310
> Washington, D.C. 20240
> 202-513-0354 -office
> 202-306-4166 - mobile
>
> Begin forwarded message:
>
> **From:** "Stinnett, Steve" <steve_stinnett@nps.gov>
> **Date:** October 3, 2013 10:10:27 AM EDT
> **To:** "Waldron, Suzanne" <sue_waldron@nps.gov>
> **Cc:** "Reynolds, William" <william_f_reynolds@nps.gov>, "shawn_benge@nps.gov" <shawn_benge@nps.gov>, "david_horne@nps.gov"

<david_horne@nps.gov>, "mike_litterst@nps.gov" <mike_litterst@nps.gov>
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

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

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

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

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How does that sound to everyone?

Sue and Mike, please feel free to weigh in!

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Thanks,
Bill

On Wed, Oct 2, 2013 at 7:59 PM, Suzanne Waldron <sue_waldron@nps.gov> wrote:
Can we see the tpts?

Sent from my iPhone

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

Thanks, Steve! Looping in WASO

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

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

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

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

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

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Bill

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Cc: Shawn Benge <shawn_benge@nps.gov>
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

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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: Thursday, October 03, 2013 11:02 AM
To: Margaret O'Dell
Subject: Re: Pisgah Inn update

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> **From:** Michael Litterst <mike_litterst@nps.gov>
> **Date:** October 3, 2013, 10:29:27 AM EDT
> **To:** Jonathan Jarvis <jon_jarvis@nps.gov>, "Margaret O'Dell" <peggy_o'dell@nps.gov>, Maureen Foster <maureen_foster@nps.gov>, Lena McDowall <Lena_McDowall@nps.gov>
> **Subject: Fwd: Pisgah Inn update**
>
> Mike Litterst
> Chief Spokesperson (Acting)
> National Park Service
> 1849 C Street NW room 3310
> Washington, D.C. 20240
> 202-513-0354 -office
> 202-306-4166 - mobile
>
> Begin forwarded message:
>
> > **From:** "Stinnett, Steve" <steve_stinnett@nps.gov>
> > **Date:** October 3, 2013 10:10:27 AM EDT
> > **To:** "Waldron, Suzanne" <sue_waldron@nps.gov>
> > **Cc:** "Reynolds, William" <william_f_reynolds@nps.gov>, "shawn_benge@nps.gov" <shawn_benge@nps.gov>, "david_horne@nps.gov" <david_horne@nps.gov>, "mike_litterst@nps.gov" <mike_litterst@nps.gov>
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http://www.citizen-times.com/article/20131002/NEWS01/310020080/Pisgah-Inn-refuses-close-federal-shutdown

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

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

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

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

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

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EXPERIENCE YOUR AMERICA

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

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

Sent from my iPhone

Begin forwarded message:

> **From:** Michael Litterst <mike_litterst@nps.gov>
> **Date:** October 3, 2013, 10:29:27 AM EDT
> **To:** Jonathan Jarvis <jon_jarvis@nps.gov>, "Margaret O'Dell" <peggy_o'dell@nps.gov>, Maureen Foster <maureen_foster@nps.gov>, Lena McDowall <Lena_McDowall@nps.gov>
> **Subject: Fwd: Pisgah Inn update**
>
> Mike Litterst
> Chief Spokesperson (Acting)
> National Park Service
> 1849 C Street NW room 3310
> Washington, D.C. 20240
> 202-513-0354 -office
> 202-306-4166 - mobile
>
> Begin forwarded message:
>
> > **From:** "Stinnett, Steve" <steve_stinnett@nps.gov>
> > **Date:** October 3, 2013 10:10:27 AM EDT
> > **To:** "Waldron, Suzanne" <sue_waldron@nps.gov>
> > **Cc:** "Reynolds, William" <william_f_reynolds@nps.gov>, "shawn_benge@nps.gov" <shawn_benge@nps.gov>, "david_horne@nps.gov" <david_horne@nps.gov>, "mike_litterst@nps.gov" <mike_litterst@nps.gov>
> > **Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times**
> >
> > The General Manager of the Inn said in a phone to me that they are going to comply if told that there won't be a waiver for their operation.
> >
> > Steve Stinnett
> > Chief Ranger
> > Blue Ridge Parkway
> > 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 Thu, Oct 3, 2013 at 10:07 AM, Waldron, Suzanne <sue_waldron@nps.gov> wrote:
thaks - headingin to a meeting so will eb back to you before noon with any questions/edits

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

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

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
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Asheville, NC 28803
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can someone attach the latest draft, please

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How does that sound to everyone?

Sue and Mike, please feel free to weigh in!

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On Wed, Oct 2, 2013 at 9:05 PM, Reynolds, William <william_f_reynolds@nps.gov> wrote:
Steve, please take first crack at these DRAFT Talking Points. Others, feel free to chime in after Steve.
Thanks,
Bill

On Wed, Oct 2, 2013 at 7:59 PM, Suzanne Waldron <sue_waldron@nps.gov> wrote:
Can we see the tpts?

Sent from my iPhone

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

> Thanks, Steve! Looping in WASO
>
> ---
>
> **From:** Stinnett, Steve [mailto:steve_stinnett@nps.gov]
> **Sent:** Wednesday, October 02, 2013 03:46 PM
> **To:** William Reynolds <william_f_reynolds@nps.gov>
> **Cc:** Shawn Benge <shawn_benge@nps.gov>; David Horne <david_horne@nps.gov>
> **Subject:** Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times
>
> Here is a link to the Citizen Times and USA Today articles. They are affiliated. Also Asheville ABC affiliate WLOS.
>
> http://www.citizen-times.com/article/20131002/NEWS01/310020080/Pisgah-Inn-refuses-close-federal-shutdown
>
> http://www.usatoday.com/story/news/nation/2013/10/02/blue-ridge-lodge-to-defy-shutdown-order/2911875/

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

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On Wed, Oct 2, 2013 at 5:50 PM, William Reynolds <william_f_reynolds@nps.gov> wrote:

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

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

copy

Steve Stinnett
Chief Ranger
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On Wed, Oct 2, 2013 at 5:05 PM, Reynolds, William <william_f_reynolds@nps.gov> wrote:
I think it was fine, Steve. Moving forward, I would say that we are "reviewing the situation and will determine our course of action in due course." No need to mention WASO or Region.

Hope to have the talking points to you shortly.
Bill

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

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

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

Steve Stinnett
Chief Ranger
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Young, Deirdre R

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

Bill,

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

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

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

Call in: Non-responsive
Pass Code: Non-responsive

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

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

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

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

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

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

Young, Deirdre R

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

Sure will

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
199 Hemphill Knob Rd
Asheville, NC 28803
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Cc: Waldron, Suzanne; shawn_benge@nps.gov; david_horne@nps.gov; mike_litterst@nps.gov
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

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> **From**: Stinnett, Steve [mailto:steve_stinnett@nps.gov]
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> **To**: William Reynolds <william_f_reynolds@nps.gov>
> **Cc**: Shawn Benge <shawn_benge@nps.gov>; David Horne <david_horne@nps.gov>
> **Subject**: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times
>
> Here is a link to the Citizen Times and USA Today articles. They are affiliated. Also Asheville ABC affiliate WLOS.
>
> http://www.citizen-times.com/article/20131002/NEWS01/310020080/Pisgah-Inn-refuses-close-federal-shutdown
>
> http://www.usatoday.com/story/news/nation/2013/10/02/blue-ridge-lodge-to-defy-shutdown-order/2911875/
>
> http://www.wlos.com/shared/news/features/top-stories/stories/wlos_pisgah-inn-open-despite-govt-shutdown-13458.shtml
>
> Steve Stinnett
> Chief Ranger
> Blue Ridge Parkway

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Asheville, NC 28803
828/348-3426 (O)
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National Park Service Southeast Region
404-507-5612

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Young, Deirdre R

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

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

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> http://www.citizen-times.com/article/20131002/NEWS01/310020080/Pisgah-Inn-refuses-close-federal-shutdown
>
> http://www.usatoday.com/story/news/nation/2013/10/02/blue-ridge-lodge-to-defy-shutdown-order/2911875/
>
> http://www.wlos.com/shared/news/features/top-stories/stories/wlos_pisgah-inn-open-despite-govt-shutdown-13458.shtml
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Young, Deirdre R

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

Shawn -

Here's the draft letter closing the facility without the contract termination threat.

Thanks,

Lena

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

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

Dear Mr. O'Connell:

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. 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. Under 36 C.F.R § 1.5, the national closure determination and notice 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 accordance with this closure determination and notice, all National Park Service concessioners were directed to suspend operations in day-use facilities immediately and to suspend operations in overnight accommodations no later than 6:00 p.m. EDT on October 3, 2013. Your staff at Pisgah Inn received the closure notice and these instructions on Monday, October 1, 2013 from staff at Blue Ridge Parkway.

This letter is to notify you that the Pisgah Inn is hereby closed to the public in accordance with the closure order issued under 36 C.F.R. § 1.5.

We understand your concerns about closure of the Inn. However, we (and you) have no choice in this matter in light of the closure order required by the government's shutdown. We are very much appreciative of your long term relationship with the Park and urge you to cooperate with us in these difficult times so that this relationship may be continued.

SY [Regional Director]

Young, Deirdre R

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

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

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

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

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

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Sent: Wednesday, October 02, 2013 02:05 PM
To: Reynolds, William <william_f_reynolds@nps.gov>
Cc: Shawn Benge <shawn_benge@nps.gov>

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

copy

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

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Hope to have the talking points to you shortly.
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William F. Reynolds
Assistant Regional Director
National Park Service Southeast Region
404-507-5612

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Sue Waldron
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Young, Deirdre R

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

Shawn,

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

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

Young, Deirdre R

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

Shawn -

This version of a breach of contract letter represents the most aggressive approach on the contract administration angle. (b) (5) [redacted] (b) (5) [redacted] In the spirit of looking at all of the options though, I'm sending it along. As we discussed I'll also send a letter that does not threaten contract termination but that notifies the concessioner that his facility is hereby closed.

Thanks,

Lena

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

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

Dear Mr. O'Connell:

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. 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. Under 36 C.F.R § 1.5, the national closure determination and notice 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 accordance with this closure determination and notice, all National Park Service concessioners were directed to suspend operations in day-use facilities immediately and to suspend operations in overnight accommodations no later than 6:00 p.m. EDT on October 3, 2013. Your staff at Pisgah Inn received the closure notice and these instructions on Monday, October 1, 2013 from staff at Blue Ridge Parkway. (b)

(b) (5)

(b) (5)

Young, Deirdre R

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

Hi Shawn,

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

Non-responsive
code Non-responsive

Cam and Lena also invited to that meeting.

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

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

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

Peggy,

We are still formulating options to react to the BLRI concession operator's refusal to shut down. The issue is now getting some national media attention (print). Non-responsiveNon-responsiveNon-responsive

(b) (5)

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

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

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

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

Young, Deirdre R

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

latest

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How does that sound to everyone?

Sue and Mike, please feel free to weigh in!

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Bill

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Can we see the tpts?

Sent from my iPhone

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

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

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

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

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

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

1. We have advised the Pisgah Inn that all National Park visitor services, facilities and activities, including its concession operation, are closed and that all guests must vacate the inn by 6 p.m Thursday October 3. At 6 p.m. the inn is to be closed.
2. The Blue Ridge Parkway thoroughfare remains open to through traffic for travelers and commuters. All Parkway visitor facilities are closed, however. These include: seven Visitor Centers, eight picnic areas, the Peaks of Otter Lodge, Sharp Top Bus service and Country Store, Mabry Mill Restaurant and gift shop, the Blue Ridge Music Center, Cone Manor House and Craft Center, Linville Falls trailhead, Museum of NC Minerals, the Folk Art Center, Pisgah Inn, restaurant, gift shop and camp store.
3. We understand that this is a great disappointment to many visitors and a hardship for all employees, including those of the concessioner, and we wish the situation was different.
4. Although the Pisgah Inn is a private business, it is a concession that operates under contract with the National Park Service. Its buildings and facilities belong to the National Park Service. During the lapse in appropriations all National Park Service visitor services, facilities and activities are closed.
5. Blue Ridge Parkway continues to have Park Rangers patrolling the Parkway thoroughfare for public health and safety and for protection of the resources and park facilities. Parkway law enforcement continuously coordinates with Transylvania County Fire, Sheriff and EMT for public health and safety in the area of the Pisgah Inn.
6. Regarding sanitary facilities, there are available facilities off of the parkway thoroughfare.
7. We agree that safety and security for those traveling on the Parkway is a paramount concern. That is why Parkway law enforcement rangers are patrolling the Parkway.
8. We reiterate that the Pisgah Inn has been advised to have all guests vacate the inn and close its doors by 6 p.m. today.
9. We know that many people wanting to stay at the inn and view the fall leaf colors will be disappointed and we wish the circumstances were different.

10. We are exploring a range of options to inform the inn and its guests of the requirement for the inn to close. We will advise you of our course of action at the appropriate time.

Young, Deirdre R

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Thursday, October 03, 2013 9:38 AM
To: Reynolds, William
Cc: Stinnett, Steve; shawn_benge@nps.gov; david_horne@nps.gov; mike_litterst@nps.gov
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>
> Here is a link to the Citizen Times and USA Today articles. They are affiliated. Also Asheville ABC affiliate WLOS.
>
> http://www.citizen-times.com/article/20131002/NEWS01/310020080/Pisgah-Inn-refuses-close-federal-shutdown
>
> http://www.usatoday.com/story/news/nation/2013/10/02/blue-ridge-lodge-to-defy-shutdown-order/2911875/
>
> http://www.wlos.com/shared/news/features/top-stories/stories/wlos_pisgah-inn-open-despite-govt-shutdown-13458.shtml
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Sent: Thursday, October 03, 2013 9:34 AM
To: Stinnett, Steve
Cc: Suzanne Waldron; shawn_benge@nps.gov; david_horne@nps.gov; mike_litterst@nps.gov
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

Maybe just name a few of the well known concessions that ARE closed, and follow up with a statement along these lines: "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."

How does that sound to everyone?

Sue and Mike, please feel free to weigh in!

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Steve Stinnett
Chief Ranger
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828/348-3426 (O)
828/271-4118 (F)
(b)(6), (b)(7)(C) (C)

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> **Subject**: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times
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> Here is a link to the Citizen Times and USA Today articles. They are affiliated. Also Asheville ABC affiliate WLOS.
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> http://www.citizen-times.com/article/20131002/NEWS01/310020080/Pisgah-Inn-refuses-close-federal-shutdown
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> http://www.usatoday.com/story/news/nation/2013/10/02/blue-ridge-lodge-to-defy-shutdown-order/2911875/
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> http://www.wlos.com/shared/news/features/top-stories/stories/wlos_pisgah-inn-open-despite-govt-shutdown-13458.shtml
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Cc: Shawn Benge <shawn_benge@nps.gov>
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

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Young, Deirdre R

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

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

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> http://www.usatoday.com/story/news/nation/2013/10/02/blue-ridge-lodge-to-defy-shutdown-order/2911875/
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Sue Waldron
Assistant Director, Communications
National Park Service
(202) 208-3046
Visit us at www.nps.gov

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Young, Deirdre R

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404-507-5612

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Young, Deirdre R

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

Peggy,

We are still formulating options to react to the BLRI concession operator's refusal to shut down. The issue is now getting some national media attention (print). (b) (5)

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

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

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

Young, Deirdre R

From: Stinnett, Steve <steve_stinnett@nps.gov>
Sent: Thursday, October 03, 2013 8:39 AM
To: Shawn Benge
Cc: David Horne; William Reynolds
Subject: Re: Letter to concession operator

Copy

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Talk to Lena this evening. Waso should have some draft language for us review mid morning tomorrow. Focused on the civil side.

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Attachments: BLRI - Pisgah Inn Tlk Pts - 10-03-13.docx

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> **Cc:** Shawn Benge <shawn_benge@nps.gov>; David Horne <david_horne@nps.gov>
> **Subject:** Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

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

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

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

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

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

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

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Bill,

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

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

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

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

1. We have advised the Pisgah Inn that all National Park visitor services, facilities and activities, including its concession operation, are closed and that all guests must vacate the inn by 6 p.m Thursday October 3. At 6 p.m. the inn is to be closed.
2. The Blue Ridge Parkway thoroughfare remains open to through traffic for travelers and commuters. All Parkway visitor facilities are closed, however. These include: Humpback Rocks Visitor Center (VC) and picnic area (PA), Peaks of Otter VC, Nature Center, campground, PA, Johnson Farm and the Peaks of Otter Lodge, Sharp Top Bus service and Country Store, Rocky Knob campground, Groundhog Mountain PA, Mabry Mill, Mabry Mill Restaurant and gift shop, the Blue Ridge Music Center, Cumberland Knob PA, Doughton Park campground, Brinegar Cabin, Jeffress Park PA, Cone Manor House and Craft Center, Bass Lake, Price Lake, Price Park campground, Price Picnic area, Linn Cove VC, Linville Falls VC, PA, campground and trailhead, Museum of NC Minerals, Craggy Gardens VC and PA, Folk Art Center, Blue Ridge Parkway VC and National Heritage Area contact desk, Mount Pisgah campground, PA and Pisgah Inn, restaurant, gift shop and camp store, Waterrock Knob VC. (this does not include the campgrounds, VCs, and Pas closed due to Sequestration)
3. We understand that this is a great disappointment to many visitors and a hardship for all employees, including those of the concessioner, and we wish the situation was different.
4. Although the Pisgah Inn is a private business, it is a concession that operates under contract with the National Park Service. Its buildings and facilities belong to the National Park Service. During the lapse in appropriations all National Park Service visitor services, facilities and activities are closed.
5. Blue Ridge Parkway continues to have Park Rangers patrolling the Parkway thoroughfare for public health and safety and for protection of the resources and park facilities. Parkway law enforcement continuously coordinates with Transylvania County Fire, Sheriff and EMT for public health and safety in the area of the Pisgah Inn.
6. Regarding sanitary facilities, there are available facilities off of the parkway thoroughfare.

DRAFT

7. We agree that safety and security for those traveling on the Parkway is a paramount concern. That is why Parkway law enforcement rangers are patrolling the Parkway.
8. We reiterate that the Pisgah Inn has been advised to have all guests vacate the inn and close its doors by 6 p.m. today.
9. We know that many people wanting to stay at the inn and view the fall leaf colors will be disappointed and we wish the circumstances were different.
10. We are exploring a range of options to inform the inn and its guests of the requirement for the inn to close. We will advise you of our course of action at the appropriate time.

DRAFT

Young, Deirdre R

From: Reynolds, William <william_f_reynolds@nps.gov>
Sent: Wednesday, October 02, 2013 9:05 PM
To: Suzanne Waldron
Cc: steve_stinnett@nps.gov; shawn_benge@nps.gov; david_horne@nps.gov; mike_litterst@nps.gov
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times
Attachments: BLRI - Pisgah Inn Tlk Pts - 100213.docx

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

On Wed, Oct 2, 2013 at 7:59 PM, Suzanne Waldron <sue_waldron@nps.gov> wrote:
Can we see the tpts?

Sent from my iPhone

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

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

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Hope to have the talking points to you shortly.
Bill

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

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

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

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

1. We have advised the Pisgah Inn that all National Park visitor services, facilities and activities, including its concession operation, are closed and that all guests must vacate the inn by 6 p.m. tomorrow, October 3. At 6 p.m. the inn is to be closed.
2. The Blue Ridge Parkway thoroughfare remains open to through traffic for travelers and commuters. All Parkway visitor facilities are closed, however. These include: ***(Steve, please fill in the blank)***

   _____.
3. We understand that this is a great disappointment to many visitors and a hardship for all employees, including those of the concessioner, and we wish the situation was different.
4. Although the Pisgah Inn is a private business, it is a concession that operates under contract with the National Park Service. Its buildings and facilities belong to the National Park Service. During the lapse in appropriations all National Park Service visitor services, facilities and activities are closed.
5. Blue Ridge Parkway continues to have Park Rangers patrolling the Parkway thoroughfare for public health and safety and for protection of the resources. Parkway law enforcement continuously coordinates with Transylvania County Fire, Sheriff and EMT for public health and safety.
6. Regarding sanitary facilities, there are available facilities off of the parkway thoroughfare.
7. We agree that safety and security for those traveling on the Parkway is a paramount concern. That is why Parkway law enforcement rangers are patrolling the Parkway..
8. We reiterate that the Pisgah Inn has been advised to have all guests vacate the inn and close its doors by 6 p.m. tomorrow.
9. We know that many people wanting to stay at the inn and view the fall leaf colors will be disappointed and we wish the circumstances were different.
10. We are exploring a range of options to inform the inn and its guests of the requirement for the inn to close. We will advise you of our course of action at the appropriate time.

Young, Deirdre R

From: Shawn Benge <shawn_benge@nps.gov>
Sent: Wednesday, October 02, 2013 8:35 PM
To: Steve Stinnett; David Horne; William Reynolds
Subject: Letter to concession operator

Talk to Lena this evening. Waso should have some draft language for us review mid morning tomorrow. Focused on the civil side.

Young, Deirdre R

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

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

From: Suzanne Waldron [mailto:sue_waldron@nps.gov]
Sent: Wednesday, October 02, 2013 04:59 PM
To: William Reynolds <william_f_reynolds@nps.gov>
Cc: steve_stinnett@nps.gov <steve_stinnett@nps.gov>; shawn_benge@nps.gov <shawn_benge@nps.gov>; david_horne@nps.gov <david_horne@nps.gov>; mike_litterst@nps.gov <mike_litterst@nps.gov>
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Can we see the tpts?

Sent from my iPhone

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

Young, Deirdre R

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Sent: Wednesday, October 02, 2013 7:59 PM
To: William Reynolds
Cc: steve_stinnett@nps.gov; shawn_benge@nps.gov; david_horne@nps.gov; mike_litterst@nps.gov
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On Wed, Oct 2, 2013 at 5:50 PM, William Reynolds <william_f_reynolds@nps.gov> wrote:
Steve, had two more phone calls with other parks, then had to catch my last bus home. Will finish the DRAFT talking points and send to you tonight.
Bill

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

copy

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

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

Young, Deirdre R

From: Stinnett, Steve <steve_stinnett@nps.gov>
Sent: Wednesday, October 02, 2013 6:47 PM
To: William Reynolds
Cc: Shawn Benge; David Horne
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

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

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

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

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

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To: Reynolds, William <william_f_reynolds@nps.gov>
Cc: Shawn Benge <shawn_benge@nps.gov>
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

copy

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

Young, Deirdre R

From: William Reynolds <william_f_reynolds@nps.gov>
Sent: Wednesday, October 02, 2013 5:50 PM
To: steve_stinnett@nps.gov
Cc: shawn_benge@nps.gov
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

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Cc: Shawn Benge <shawn_benge@nps.gov>
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

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

Young, Deirdre R

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

copy

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

Young, Deirdre R

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

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From: Stinnett, Steve <steve_stinnett@nps.gov>
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To: William Reynolds
Cc: Shawn Benge
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Young, Deirdre R

From: Reynolds, William <william_f_reynolds@nps.gov>
Sent: Wednesday, October 02, 2013 3:15 PM
To: Waldron, Suzanne
Cc: Stinnett, Steve; Shawn Benge; Michael Litterst; Lena McDowall; Cam Sholly
Subject: Re: For your information see attached press release

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

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

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

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

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

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

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
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

Steve Stinnett
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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

--
William F. Reynolds
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