

Young, Deirdre R

From: Lisa Mendelson <lisa_mendelson-ielmini@nps.gov>
Sent: Monday, October 14, 2013 11:44 AM
To: Adam Kramer; Alex Romero; Ann Smith; Bob Vogel; Bradley Clawson; Charles Borders; Cindy Cox; Cynthia Sirk-Fear; Gopaul Noojibail; James Nichols; Jennifer Mummart; Jeremy Murphy; John Stanwich; Jon James; Karen Cucurullo; Karen Pittleman; Kenneth Ferrari; Mel Poole; Michael Libby; NCR SHUTDOWN CONTACTS 10 1 2013; Philip Selleck; Robert MacLean; Sean Isham; Steve Whitesell; Teresa Chambers; Thomas Jones; William Kenyon
Subject: NCR status update

Our next call for NCR is Tuesday @ 11 am. For those interested, there is no national 4 pm today. A busy day continues, even without these calls - don't hesitate to reach out.

Concession and cooperator requests continue to come in to WASO. Soonest we'll hear anything is Tuesday. Will keep you all posted.

Thanks so much to the parks and staff who have humored my many requests for information at all hours of the day :)

Thanks all.

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

On Oct 13, 2013, at 12:15 AM, "Mendelson, Lisa" <lisa_mendelson-ielmini@nps.gov> wrote:

1. **Reminder -- weekend update call -- possibly a quickie -- Sunday 3 pm 10/13.** Non-responsive
Non-responsive code Non-responsive

2. Also, here are the notes I assembled following the national Friday 5:30 pm call with the Director -- apologies if this is a duplicate from my Friday note, my email (ipad especially) has been unreliable. I'm now at my desktop instead...

~lisa

Notes from the 5:30 pm Friday call with Supts and shutdown leads across the country –

We discussed 2 primary topics:

(b) (5)

(b) (5)

Questions? Let me know and we'll get you the answers. Anything I missed? I know some NCR parks participated. Thanks all, lisa

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

Young, Deirdre R

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

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

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

All D2 units have cleared and will make hourly checks.

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

Young, Deirdre R

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

Lena/All:

Attached is my mark-up of Barry's revision. It is NPS's call on which version to use, as both are legally sufficient. (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

Melissa Lackey

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

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

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On Mon, Oct 7, 2013 at 3:00 PM, 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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(b) (5)

(b) (5)

Young, Deirdre R

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

(b) (5)

Barry N. Roth
Associate Solicitor
Division of Parks & Wildlife
202-208-4344
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(b) (5)

(b) (5)

Young, Deirdre R

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

Lena:

Lena:

Attached are the revisions I made to the NPS' Q and A sheet (b) (5)

[REDACTED]

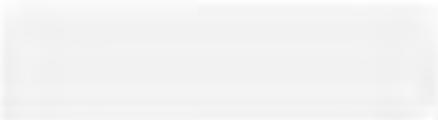
[REDACTED]

Melissa Lackey

Attorney Advisor
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(b) (5)

(b) (5)

Young, Deirdre R

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

(b) (5) [REDACTED]. Cc Ted Boling, Keable and me on the email back to Lena.

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

Thanks for all your work on these matters.

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

Sent from my iPhone

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

Barry:



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

Melissa Lackey

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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<Concession and Leases Q&A.docx>

Young, Deirdre R

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

Barry:



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

Melissa Lackey

Attorney Advisor
U. S. Department of the Interior, Office of the Solicitor
1849 C Street NW, Room 5323
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(b) (5)

(b) (5)

Young, Deirdre R

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

Melissa -

I meant to get this to you on Friday. The Communications staff keep getting questions about why concessions have to close while we're allowing leased facilities to stay open during the shutdown. I drafted the attached 1 pager to explain the difference between a concessions contract and a lease and to explain why concessions have to close but leased facilities can stay open. (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Thanks,

Lena

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

(b) (5)

Young, Deirdre R

From: Sheaffer, Bruce <bruce_sheaffer@nps.gov>
Sent: Friday, October 04, 2013 9:18 AM
To: Lena McDowall
Subject: Fwd: Questions for Follow Up on NPS

come discuss this

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

From: Roth, Barry <barry.roth@sol.doi.gov>
Date: Fri, Oct 4, 2013 at 8:09 AM
Subject: Re: Questions for Follow Up on NPS
To: "Sheaffer, Bruce" <bruce_sheaffer@nps.gov>, Edward Boling <ted.boling@sol.doi.gov>, Pam Haze <pam_haze@ios.doi.gov>

If we need to say something in this regard, we suggest the following:



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

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On Thu, Oct 3, 2013 at 5:39 PM, Sheaffer, Bruce <bruce_sheaffer@nps.gov> wrote:

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

From: **Haze, Pam** <pam_haze@ios.doi.gov>
Date: Thu, Oct 3, 2013 at 5:13 PM
Subject: Fwd: Questions for Follow Up on NPS
To: Bruce Sheaffer <Bruce_Sheaffer@nps.gov>

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

From: **Crutchfield, Craig** <[\(b\)\(6\)](mailto:Craig_Crutchfield@(b)(6))>
Date: Thu, Oct 3, 2013 at 4:22 PM
Subject: RE: Questions for Follow Up on NPS
To: Pam Haze <pam_haze@ios.doi.gov>, "Moss, Adrienne" <adrienne_moss@ios.doi.gov>
Cc: Denise Flanagan <Denise_Flanagan@ios.doi.gov>, "Hoef, Jennifer E." <[\(b\)\(6\)](mailto:Jennifer_E_Hoef@(b)(6))>, "Burnett, Ben" <[\(b\)\(6\)](mailto:Benjamin_Burnett@(b)(6))>

Here's one thought to strengthen the argument, although I would like to know what the Solicitor's Office thinks.

(b) (5)

From: Crutchfield, Craig
Sent: Thursday, October 03, 2013 3:41 PM
To: 'Pam Haze'; Moss, Adrienne
Cc: Denise Flanagan; Hoef, Jennifer E.; Burnett, Ben
Subject: RE: Questions for Follow Up on NPS

(b) (5)

From: Pam Haze [mailto:pam_haze@ios.doi.gov]
Sent: Thursday, October 03, 2013 3:27 PM
To: Moss, Adrienne
Cc: Crutchfield, Craig; Denise Flanagan; Hoef, Jennifer E.; Burnett, Ben
Subject: Re: Questions for Follow Up on NPS

(b) (5)

Sent from my iPhone

On Oct 3, 2013, at 3:19 PM, "Moss, Adrienne" <adrienne_moss@ios.doi.gov> wrote:

Craig,

(b) (5)



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

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

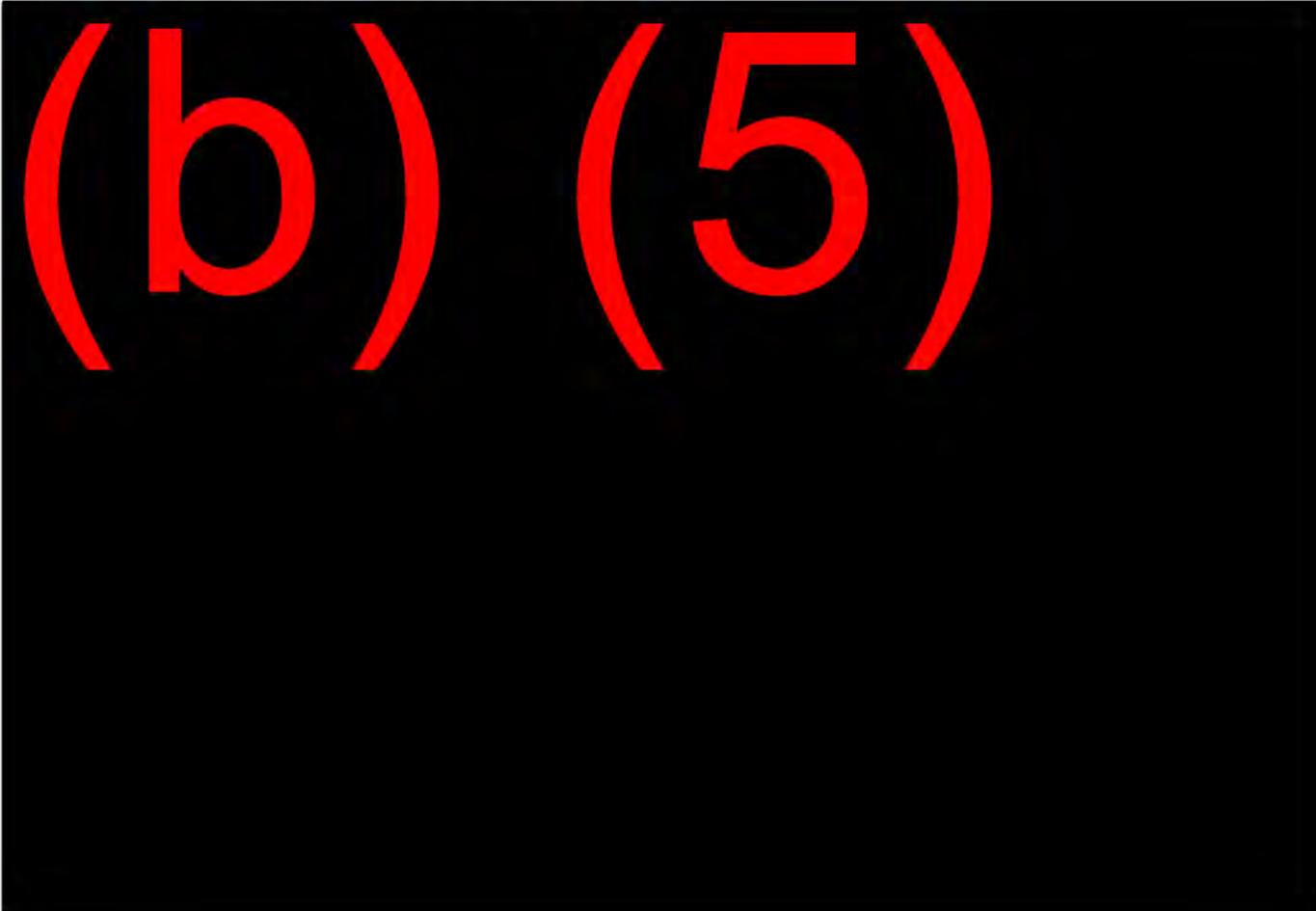
Young, Deirdre R

From: Jarvis, Jonathan <jon_jarvis@nps.gov>
Sent: Thursday, October 10, 2013 8:20 AM
To: Rachel Jacobson; Ted Boling; Barry Roth; Bruce Sheaffer; Lena McDowall; Maureen Foster; Peggy O'Dell
Subject: Revised policy on concessions
Attachments: Interim Policy with edits.draft 10.10.docx

Here is a revised policy for you review. I suggest we let the SOL take the pen first so we can get this nailed down.

--
Jonathan B. Jarvis
Director, NPS

(b) (5)



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.



(b) (5)

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

Young, Deirdre R

From: Margaret O'Dell <peggy_o'dell@nps.gov>
Sent: Wednesday, October 09, 2013 3:17 PM
To: Jon Jarvis; Maureen Foster; Bruce Sheaffer; Peggy O'Dell; Jack Haugrud; Edward Boling; Barry Roth; Nicole Buffa; Rachel Jacobson; Michael Bean; Kate Kelly; Blake J Androff; Sue Waldron; Michael Litterst
Subject: Fwd: COURT ORDER re Langley Forks Park
Attachments: Complaint.pdf; TRO Motion.pdf; Affidavit supporting TRO motion.pdf; Order.pdf

TRO at Langley Forks Park. According to Deputy RD this issue first arose last night after Claude Moore was notified they can reopen.

Sent from my iPhone

Begin forwarded message:

From: "Mendelson, Lisa" <lisa_mendelson-ielmini@nps.gov>
To: Peggy O'Dell <Peggy_O'Dell@nps.gov>, Maureen Foster <Maureen_Foster@nps.gov>
Subject: Fwd: COURT ORDER re Langley Forks Park

* _____ *

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

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

From: Fondren, Kim <kim.fondren@sol.doi.gov>
Date: Wed, Oct 9, 2013 at 3:09 PM
Subject: Fwd: COURT ORDER re Langley Forks Park
To: Lisa Mendelson <lisa_mendelson-ielmini@nps.gov>

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

From: Myers, Randolph <randolph.myers@sol.doi.gov>
Date: Wed, Oct 9, 2013 at 3:08 PM
Subject: Fwd: COURT ORDER re Langley Forks Park
To: Kim Fondren <kim.fondren@sol.doi.gov>, Barry Roth <BARRY.ROTH@sol.doi.gov>, Edward Boling <ted.boling@sol.doi.gov>

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor
DPW Branch of National Parks

1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
Randolph.Myers@sol.doi.gov

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From: Wetzler, Lauren (USAVAE) <Lauren.Wetzler@usdoj.gov>
Date: Wed, Oct 9, 2013 at 3:06 PM
Subject: COURT ORDER re Langley Forks Park
To: "Alex_Romero@NPS.gov" <Alex_Romero@nps.gov>
Cc: "Randolph J. Myers (Randolph.Myers@sol.doi.gov)" <Randolph.Myers@sol.doi.gov>

Alex,

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

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

Thanks,
Lauren

Lauren A. Wetzler
Civil Chief
Assistant United States Attorney

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

--

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

FILED

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

Alexandria Division

2013 OCT 9 9 AM 1:12 25

U.S. DISTRICT COURT
ALEXANDRIA, VIRGINIA

MCLEAN YOUTH ATHLETICS and)
MCLEAN YOUTH LACROSSE)
)
Plaintiffs)

v.)

CIVIL ACTION

1:13CV1257
LDG/JFA

UNITED STATES DEPARTMENT)
OF INTERIOR NATIONAL PARK)
SERVICE)
)
Defendant)

COMPLAINT

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

JURISDICTION

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

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

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

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

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

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

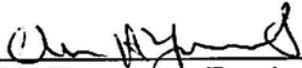
The United States Department of Interior National Park Service has acted arbitrarily and capriciously in ordering this park closed when it has no real interest therein and bears no expense in its operation.

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

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

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

MCLEAN YOUTH ATHLETICS
MCLEAN YOUTH LACROSSE



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

FILED

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

Alexandria Division

10 OCT -9 P 1:25

U.S. DISTRICT COURT
ALEXANDRIA, VIRGINIA

MCLEAN YOUTH ATHLETICS and)
MCLEAN YOUTH LACROSSE)

Plaintiffs)

v.)

CIVIL ACTION 1:13cv1257
LOG/JFA

UNITED STATES DEPARTMENT)
OF INTERIOR NATIONAL PARK)
SERVICE)

Defendant)

MOTION FOR TEMPORARY RESTRAINING ORDER

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

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

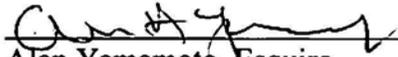
Plaintiffs have demonstrated they are entitled to a temporary restraining order under Fed. R. Civ. Proc. 65 and controlling law under *Baines v. City of Danville, Va.*, 337 F.2d 579, 598 (4th Cir. 1964) and *Hoechst Diafoil Co. v. Nan Ya Plastics Corp.*, 174 F.3d 411, 422 (4th Cir. 1999)

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

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

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

MCLEAN YOUTH ATHLETICS
MCLEAN YOUTH LACROSSE



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

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

Alexandria Division

MCLEAN YOUTH ATHLETICS and)
MCLEAN YOUTH LACROSSE)
)
Plaintiffs)

v.)

CIVIL ACTION 1:13cv1257
LO6/JFA

UNITED STATES DEPARTMENT)
OF INTERIOR NATIONAL PARK)
SERVICE)
)
Defendant)

DECLARATION

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

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

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

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

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

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

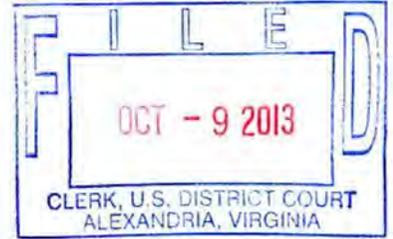
7. A temporary restraining order to re-open Langley Forks Park is the only remedy that will stop this continuing injury.

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


David Morris

Date: October 8, 2013

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



Alexandria Division

MCLEAN YOUTH ATHLETICS and)
MCLEAN YOUTH LACROSSE)

Plaintiffs)

v.)

CIVIL ACTION 1-13CV1257
LO61JFA

UNITED STATES DEPARTMENT)
OF INTERIOR NATIONAL PARK)
SERVICE)

Defendant)

ORDER

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

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

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

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

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

Therefore it is ORDERED:

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

to Langley Forks Park in Fairfax County, Virginia.

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

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

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

Entered: October 9, 2013 at 1:40 pm

/s/ 

Liam O'Grady
United States District Judge

Young, Deirdre R

From: Roth, Barry <barry.roth@sol.doi.gov>
Sent: Wednesday, October 09, 2013 11:47 AM
To: McDowall, Lena; Sheaffer, C. B.
Cc: Melissa Lackey; Edward Boling
Subject: Pisgah Inn
Attachments: Pisgah letter clean draft.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

ATTORNEY CLIENT; NOT FOR RELEASE



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

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(b) (5)

(b) (5)

Young, Deirdre R

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Wednesday, October 09, 2013 9:29 AM
To: Kelly, Katherine
Cc: Jon Jarvis; Peggy O'Dell; Maureen Foster; Lena McDowall; Cam Sholly; Barry Roth; Edward Boling; Lisa Mendelson; Jennifer Mummart; Bruce Sheaffer; Mike Litterst; Blake Androff
Subject: Re: quick review - claude moore and pisgah

Edits from Lena and Bruce

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.

(b) (5)

On background:

(b) (5)

On Tue, Oct 8, 2013 at 7:42 PM, Kelly, Katherine <kate_kelly@ios.doi.gov> wrote:
Here is the updated SOL-approved version:

(b) (5)

(b) (5)

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

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

--

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

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Department of the Interior

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kate_kelly@ios.doi.gov

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Young, Deirdre R

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

looks good

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>

(b) (5)

(b) (5)

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

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

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

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Washington, DC 20240
202-208-4423 (main)
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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>

(b) (5)

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

--
Jonathan B. Jarvis
Director, NPS

--
Sue Waldron
Assistant Director, Communications
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Young, Deirdre R

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

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202-208-4344
Fax: 202-208-3877
Barry.Roth@sol.doi.gov

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Cc: Jack Haugrud <jack.haugrud@sol.doi.gov>, Barry Roth <BARRY.ROTH@sol.doi.gov>

(b) (5)

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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>

(b) (5)

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

--
Jonathan B. Jarvis
Director, NPS

(b) (5)

(b) (5)

Young, Deirdre R

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

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

Sent from my iPhone

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

(b) (5)

Sent from my iPhone

On Oct 8, 2013, at 8:50 PM, Margaret O'Dell <peggy_o'dell@nps.gov> wrote:

(b) (5)

Sent from my iPhone

On Oct 8, 2013, at 7:42 PM, "Kelly, Katherine" <kate_kelly@ios.doi.gov> wrote:

Here is the updated SOL-approved version:

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- so guess we will reconnect tomorrow

leaving!

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

--

Sue Waldron
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National Park Service
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To: Kelly, Katherine
Cc: Waldron, Suzanne; Jon Jarvis; Maureen Foster; Lena McDowall; Cam Sholly; Barry Roth; Edward Boling; Lisa Mendelson; Jennifer Mummart; Bruce Sheaffer; Mike Litterst; Blake Androff
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kate_kelly@ios.doi.gov

Young, Deirdre R

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

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kate_kelly@ios.doi.gov

Young, Deirdre R

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

(b) (5)

Sent from my iPhone

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

Here is what Jack and Ted gave back to Kate.

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

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

(b) (5)

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Ted Boling
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Cc: "Androff, Blake J" <Blake_Androff@ios.doi.gov>, laura davis <Laura_Davis@ios.doi.gov>, Nicole Buffa <nicole_buffa@ios.doi.gov>

(b) (5)

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

Young, Deirdre R

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Tuesday, October 08, 2013 6:59 PM
To: Jon Jarvis; Peggy O'Dell; Maureen Foster; Lena McDowall; Cam Sholly; Barry Roth; Edward Boling; Lisa Mendelson; Jennifer Mummart; Bruce Sheaffer
Cc: Mike Litterst; Kate Kelly; Blake Androff
Subject: quick review - claude moore and pisgah
Attachments: Claude Moore_Pisgah.docx

if we get calls....

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Young, Deirdre R

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

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>

----- 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

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

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

From: McDowall, Lena [mailto:lena_mcdowall@nps.gov]
Sent: Monday, October 07, 2013 06:35 AM
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

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:L.Haas@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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If you are not the intended recipient, please notify Haas & Najarian immediately by telephone at (415) 788-6330 or by e-mail to email@haasnaja.com and destroy all copies of this message and any attachments.

--
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

--
Scott Wanek

Regional Chief Ranger
Pacific West Region
415-623-2180 office
510-501-0459 cell
415-623-2189 fax
[VRP Sharepoint Site](#)

--

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

Young, Deirdre R

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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
Attachments: image001.jpg

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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

IRS Circular 230 Disclosure: to ensure compliance with requirements imposed by the U.S. Internal Revenue Service, we inform you that any tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein. This e-mail message and any attachments are confidential and may be

attorney-client privileged.

If you are not the intended recipient, please notify Haas & Najarian immediately by telephone at (415) 788-6330 or by e-mail to email@haasnaja.com and destroy all copies of this message and any attachments.

--

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

Young, Deirdre R

From: Wanek, Scott <scott_wanek@nps.gov>
Sent: Friday, October 04, 2013 10:01 AM
To: McDowall, Lena
Cc: Patricia Neubacher; Frank Dean; Aaron Roth; Bruce Sheaffer; Craig Dalby
Subject: Re: Draft Cliff House Response Letter

A couple of quick observations:



Scott

On Fri, Oct 4, 2013 at 6:46 AM, McDowall, Lena <lena_mcdowall@nps.gov> wrote:



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

--
Scott Wanek
Regional Chief Ranger
Pacific West Region
415-623-2180 office
510-501-0459 cell
415-623-2189 fax
[VRP Sharepoint Site](#)

Young, Deirdre R

From: Robert Maclean <robert_maclean@nps.gov>
Sent: Wednesday, October 09, 2013 9:17 PM
To: Jerry_Marshall@nps.gov
Subject: Fw: Fwd: Court Order re: Langley Forks Park
Attachments: 2013 10 09 Langley Forks Order.pdf

FYI. Saw you weren't cc'ed.

From: Mendelson, Lisa [mailto:lisa_mendelson-ielmini@nps.gov]
Sent: Wednesday, October 09, 2013 03:41 PM
To: Lisa Mendelson <lisa_mendelson-ielmini@nps.gov>; Robert MacLean <Robert_MacLean@nps.gov>; Arthur Jacobsen <art_jacobsen@nps.gov>; Alex Romero <Alex_Romero@nps.gov>; Jon James <jon_james@nps.gov>
Subject: Fwd: Court Order re: Langley Forks Park

Langley Forks Park is to reopen, please see below. Please share with the officers, thanks.

~Lisa

Lisa Mendelson-Ielmini, AICP

Deputy Regional Director
National Park Service
202-619-7023 office
202-297-1338 cell

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

From: Mendelson, Lisa <lisa_mendelson-ielmini@nps.gov>
Date: Wed, Oct 9, 2013 at 6:39 PM
Subject: Re: Court Order re: Langley Forks Park
To: cindy.messinger@fairfaxcounty.gov, david.bowden@fairfaxcounty.gov, juline.cline@fairfaxcounty.gov
Cc: Kim Fondren <kim.fondren@sol.doi.gov>, Edward Boling <ted.boling@sol.doi.gov>, Peggy O'Dell <Peggy_O'Dell@nps.gov>, Alex Romero <Alex_Romero@nps.gov>

My apologies, the attachment didn't go through. Attached please find the Order.

Lisa Mendelson-Ielmini, AICP

Deputy Regional Director
National Park Service
202-619-7023 office
202-297-1338 cell

On Wed, Oct 9, 2013 at 6:37 PM, Mendelson, Lisa <lisa_mendelson-ielmini@nps.gov> wrote:
Ms. Cindy Messinger
Acting Director
Fairfax County Park Authority

Ms. Messinger:

Pursuant to the attached Court Order dated today, October 9, 2013, it is the expectation of the National Park Service that you will comply with the Order and open Langley Forks Park to the public immediately and return the park to its normal hours of operation.

The Court Order requires us to order the Fairfax County Park Authority to honor its' permit entered into with the McLean Youth Athletics and MacLean Youth Lacrosse as well as any other permits for this area.

We hope to take steps to moot this litigation in the next few days.

Sincerely,

~Lisa A. Mendelson-Ielmini

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

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



Alexandria Division

MCLEAN YOUTH ATHLETICS and)
MCLEAN YOUTH LACROSSE)

Plaintiffs)

v.)

CIVIL ACTION 1-13CV1257
LO6/JFA

UNITED STATES DEPARTMENT)
OF INTERIOR NATIONAL PARK)
SERVICE)

Defendant)

ORDER

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

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

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

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

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

Therefore it is ORDERED:

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

to Langley Forks Park in Fairfax County, Virginia.

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

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

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

Entered: October 9, 2013 at 1:40 pm

/s/ 

Liam O'Grady
United States District Judge

Young, Deirdre R

From: Robert Maclean <robert_maclean@nps.gov>
Sent: Wednesday, October 09, 2013 9:16 PM
To: Keith_Horton@nps.gov
Subject: Fw: Fwd: Court Order re: Langley Forks Park
Attachments: 2013 10 09 Langley Forks Order.pdf

FYI.

From: Mendelson, Lisa [mailto:lisa_mendelson-ielmini@nps.gov]
Sent: Wednesday, October 09, 2013 03:41 PM
To: Lisa Mendelson <lisa_mendelson-ielmini@nps.gov>; Robert MacLean <Robert_MacLean@nps.gov>; Arthur Jacobsen <art_jacobsen@nps.gov>; Alex Romero <Alex_Romero@nps.gov>; Jon James <jon_james@nps.gov>
Subject: Fwd: Court Order re: Langley Forks Park

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~Lisa

Lisa Mendelson-Ielmini, AICP

Deputy Regional Director
National Park Service
202-619-7023 office
202-297-1338 cell

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

From: Mendelson, Lisa <lisa_mendelson-ielmini@nps.gov>
Date: Wed, Oct 9, 2013 at 6:39 PM
Subject: Re: Court Order re: Langley Forks Park
To: cindy.messinger@fairfaxcounty.gov, david.bowden@fairfaxcounty.gov, juline.cline@fairfaxcounty.gov
Cc: Kim Fondren <kim.fondren@sol.doi.gov>, Edward Boling <ted.boling@sol.doi.gov>, Peggy O'Dell <Peggy_O'Dell@nps.gov>, Alex Romero <Alex_Romero@nps.gov>

My apologies, the attachment didn't go through. Attached please find the Order.

Lisa Mendelson-Ielmini, AICP

Deputy Regional Director
National Park Service
202-619-7023 office
202-297-1338 cell

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Acting Director
Fairfax County Park Authority

Ms. Messinger:

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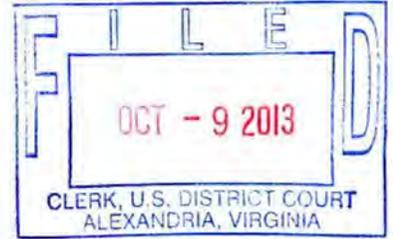
The Court Order requires us to order the Fairfax County Park Authority to honor its' permit entered into with the McLean Youth Athletics and MacLean Youth Lacrosse as well as any other permits for this area.

We hope to take steps to moot this litigation in the next few days.

Sincerely,

~Lisa A. Mendelson-Ielmini

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



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

Alexandria Division

MCLEAN YOUTH ATHLETICS and)
MCLEAN YOUTH LACROSSE)

Plaintiffs)

v.)

CIVIL ACTION 1-13CV1257
LO6/JFA

UNITED STATES DEPARTMENT)
OF INTERIOR NATIONAL PARK)
SERVICE)

Defendant)

ORDER

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

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

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

Entered: October 9, 2013 at 1:40 pm

/s/ 

Liam O'Grady
United States District Judge

Young, Deirdre R

From: Mendelson, Lisa <lisa_mendelson-ielmini@nps.gov>
Sent: Wednesday, October 09, 2013 6:42 PM
To: Lisa Mendelson; Robert MacLean; Arthur Jacobsen; Alex Romero; Jon James
Subject: Fwd: Court Order re: Langley Forks Park
Attachments: 2013 10 09 Langley Forks Order.pdf

Langley Forks Park is to reopen, please see below. Please share with the officers, thanks.

~Lisa

Lisa Mendelson-Ielmini, AICP

Deputy Regional Director
National Park Service
202-619-7023 office
202-297-1338 cell

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

From: Mendelson, Lisa <lisa_mendelson-ielmini@nps.gov>
Date: Wed, Oct 9, 2013 at 6:39 PM
Subject: Re: Court Order re: Langley Forks Park
To: cindy.messinger@fairfaxcounty.gov, david.bowden@fairfaxcounty.gov, juline.cline@fairfaxcounty.gov
Cc: Kim Fondren <kim.fondren@sol.doi.gov>, Edward Boling <ted.boling@sol.doi.gov>, Peggy O'Dell <Peggy_O'Dell@nps.gov>, Alex Romero <Alex_Romero@nps.gov>

My apologies, the attachment didn't go through. Attached please find the Order.

Lisa Mendelson-Ielmini, AICP

Deputy Regional Director
National Park Service
202-619-7023 office
202-297-1338 cell

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Ms. Cindy Messinger
Acting Director
Fairfax County Park Authority

Ms. Messinger:

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We hope to take steps to moot this litigation in the next few days.

Sincerely,

~Lisa A. Mendelson-Ielmini

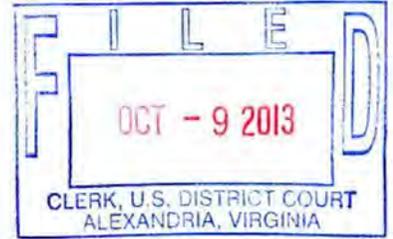
Lisa Mendelson-Ielmini, AICP

Deputy Regional Director

National Park Service

202-619-7023 office

202-297-1338 cell



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

Alexandria Division

MCLEAN YOUTH ATHLETICS and)
MCLEAN YOUTH LACROSSE)

Plaintiffs)

v.)

CIVIL ACTION 1-13CV1257
LO6/JFA

UNITED STATES DEPARTMENT)
OF INTERIOR NATIONAL PARK)
SERVICE)

Defendant)

ORDER

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

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

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

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Entered: October 9, 2013 at 1:40 pm

/s/ 

Liam O'Grady
United States District Judge

Young, Deirdre R

From: Haugrud, Kevin <jack.haugrud@sol.doi.gov>
Sent: Tuesday, October 15, 2013 3:26 PM
To: Blake Androff; Katherine Kelly; Suzanne Waldron; Nicole Buffa; Tim Fullerton
Cc: Ted Boling; Barry Roth
Subject: Fwd: Concessions
Attachments: Concessions Amendment to Closure Notice 2013-10-11.pdf

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

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

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.

Amendment to National Park System Closure Determination and Notice

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

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

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

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

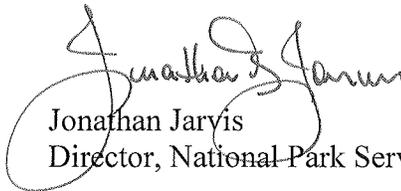
These decisions will be made solely by the Director, will not be delegated, and will constitute final agency actions.

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

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

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

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


Jonathan Jarvis
Director, National Park Service

Date 10/11/2013

Young, Deirdre R

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

Maureen just sent us the signed version. Will forward

On Tue, Oct 15, 2013 at 3:09 PM, Androff, Blake <blake_androff@ios.doi.gov> wrote:
NPS Comms --

Attached is the version that Jack sent after SOL review. My understanding is this is the final version.

Best,

Blake

--

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

Young, Deirdre R

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

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

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

From: **Androff, Blake** <blake_androff@ios.doi.gov>
Date: Tue, Oct 15, 2013 at 3:09 PM
Subject: Concessionaire Policy
To: Suzanne Waldron <Sue_Waldron@nps.gov>, Michael Litterst <Mike_Litterst@nps.gov>
Cc: Katherine Kelly <Kate_Kelly@ios.doi.gov>, Nicole Buffa <Nicole_buffa@ios.doi.gov>, Tim Fullerton <tim_fullerton@ios.doi.gov>, Kevin Haugrud <Jack.Haugrud@sol.doi.gov>

NPS Comms --

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Best,

Blake

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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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Jonathan Jarvis
Director, National Park Service

Date

Young, Deirdre R

From: O'Dell, Margaret <peggy_o'dell@nps.gov>
Sent: Wednesday, October 09, 2013 8:31 AM
To: Cam Sholly; Sue Waldron; Lena McDowall; Bruce Sheaffer
Subject: Fwd: Draft amendments to the Director's 10/1 Closure Determination
Attachments: National Closure Determination and Notice AK amendment 10 8 draft SOL.docx

Will likely be finalizing today....

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

From: **Boling, Edward** <ted.boling@sol.doi.gov>
Date: Tue, Oct 8, 2013 at 3:06 PM
Subject: Draft amendments to the Director's 10/1 Closure Determination
To: Jonathan Jarvis <jon_jarvis@nps.gov>, Margaret O'Dell <peggy_o'dell@nps.gov>, "Foster, Maureen" <Maureen_Foster@nps.gov>
Cc: Barry Roth <BARRY.ROTH@sol.doi.gov>, Jack Haugrud <jack.haugrud@sol.doi.gov>

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

(b) (5)

(b) (5)

Young, Deirdre R

From: Litterst, Michael <mike_litterst@nps.gov>
Sent: Tuesday, October 08, 2013 5:46 PM
To: Tim Fullerton
Cc: Kate Kelly; Blake Androff; Sue Waldron
Subject: Fwd: Do you have a pdf copy of the clousure determination?
Attachments: Natl Park System Closure Determination and Notice 2013-10-01.pdf

Tim:

We had some discussion with Kate and Blake yesterday about putting the attached NPS closure determination up on the doi.gov/shutdown site. Can you help us with that?

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:** Foster, Maureen <[maureen\\_foster@nps.gov](mailto:maureen_foster@nps.gov)>  
**Date:** Tue, Oct 8, 2013 at 5:41 PM  
**Subject:** Re: Do you have a pdf copy of the clousure determination?  
**To:** "Litterst, Michael" <[mike\\_litterst@nps.gov](mailto:mike_litterst@nps.gov)>

---

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 Tue, Oct 8, 2013 at 4:33 PM, Litterst, Michael <[mike\\_litterst@nps.gov](mailto:mike_litterst@nps.gov)> wrote:  
DOI said they'd put it on the website for us, but I don't have a copy.

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



Office of the Director

# United States Department of the Interior

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

## National Park System Closure Determination and Notice

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

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

### Condition and Exceptions:

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

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

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

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

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

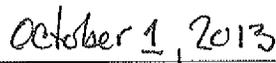
10. This closure determination and notice does not apply to First Amendment activities in the National Mall and Memorial Parks and areas administered by the NPS Liaison to the White House in Washington, D.C., and Independence National Historical Park in Philadelphia, Pennsylvania. Persons may continue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

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

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

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

  
Jonathan B. Jarvis  
Director

  
Date

## Young, Deirdre R

---

**From:** Foster, Maureen <maureen\_foster@nps.gov>  
**Sent:** Friday, October 04, 2013 12:18 PM  
**To:** Bruce Sheaffer; Cam Sholly; Colin Campbell; David Vela; Joel Hard; Jon Jarvis; Lena McDowall; Lisa Mendelson-Ielmini; Michael Alvarez; Michael Caldwell; Patricia Trap; Patty Neubacher; Peggy O'Dell; Robert Maclean; Sam Whittington; Shane Compton; Shawn Bengé; Sue Waldron  
**Subject:** National Park System Closure Determination and Notice October 1, 2013  
**Attachments:** Natl Park System Closure Determination and Notice 2013-10-01.pdf

I am sending this out to you as an stand-alone document. It was included in the contingency plan memo sent earlier this week.

---

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



Office of the Director

# United States Department of the Interior

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

## National Park System Closure Determination and Notice

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

### Condition and Exceptions:

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

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

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

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

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

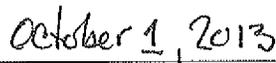
10. This closure determination and notice does not apply to First Amendment activities in the National Mall and Memorial Parks and areas administered by the NPS Liaison to the White House in Washington, D.C., and Independence National Historical Park in Philadelphia, Pennsylvania. Persons may continue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

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

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

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

  
Jonathan B. Jarvis  
Director

  
Date

---

**From:** Foster, Maureen <maureen\_foster@nps.gov>  
**Sent:** Tuesday, October 01, 2013 3:04 PM  
**To:** BJ Dunn; Patrick Suddath; Karen Cucurullo; Bob Vogel; Stephen Lorenzetti; John Stanwich; Ann Smith; Lisa Mendelson; Steve Whitesell; Michael Caldwell; Robert Maclean; Dennis Reidenbach; Cam Sholly; Charles Cuvelier; Randolph Myers; Robert Eaton; Barry Roth; Edward Boling; Kevin Haugrud  
**Subject:** Natl Park System Closure Determination and Notice  
**Attachments:** Natl Park System Closure Determination and Notice 2013-10-01.pdf

Here is the signed determination and notice.

---

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.



Office of the Director

# United States Department of the Interior

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

## National Park System Closure Determination and Notice

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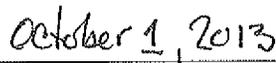
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13. Violation of this national closure determination and notice is prohibited.

  
Jonathan B. Jarvis  
Director

  
Date

---

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

sitting in here with lena - a few things



On Wed, Oct 9, 2013 at 8:35 AM, Jarvis, Jonathan <[jon\\_jarvis@nps.gov](mailto: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](mailto: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](mailto:Barry.Roth@sol.doi.gov)

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----- Forwarded message -----  
From: **Boling, Edward** <[ted.boling@sol.doi.gov](mailto: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](mailto:kate_kelly@ios.doi.gov)>

Cc: Jack Haugrud <[jack.haugrud@sol.doi.gov](mailto:jack.haugrud@sol.doi.gov)>, Barry Roth <[BARRY.ROTH@sol.doi.gov](mailto:BARRY.ROTH@sol.doi.gov)>

(b) (5)

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

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

From: **Boling, Edward** <[ted.boling@sol.doi.gov](mailto: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](mailto: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](mailto:Ted.Boling@sol.doi.gov)

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

From: **Kelly, Katherine** <[kate\\_kelly@ios.doi.gov](mailto: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](mailto:jack.haugrud@sol.doi.gov)>, Ted Boling <[Ted.Boling@sol.doi.gov](mailto:Ted.Boling@sol.doi.gov)>

Cc: "Androff, Blake J" <[Blake\\_Androff@ios.doi.gov](mailto:Blake_Androff@ios.doi.gov)>, laura davis <[Laura\\_Davis@ios.doi.gov](mailto:Laura_Davis@ios.doi.gov)>, Nicole Buffa <[nicole\\_buffa@ios.doi.gov](mailto:nicole_buffa@ios.doi.gov)>

(b) (5)

--  
Kate Kelly  
Director of Communications  
Department of the Interior  
(202) 208 2409  
[kate\\_kelly@ios.doi.gov](mailto:kate_kelly@ios.doi.gov)

--  
*Jonathan B. Jarvis*  
*Director, NPS*

--

C. Bruce Sheaffer  
Comptroller  
National Park Service  
202-208-4566  
[bruce\\_sheaffer@nps.gov](mailto:bruce_sheaffer@nps.gov)

---

**From:** Androff, Blake <blake\_androff@ios.doi.gov>  
**Sent:** Wednesday, October 09, 2013 6:22 PM  
**To:** Laura Davis; Nicole Buffa; Rachel Jacobson; Jonathan Jarvis; Dan Ashe; Margaret O'Dell; Maureen Foster; Suzanne Waldron; Michael Litterst; Betsy Hildebrandt; Bruce Decker; Matthew Huggler; Sarah Neimeyer; Neil Kornze; Celia Boddington  
**Cc:** Katherine Kelly; Tim Fullerton  
**Subject:** Sec Letter to Gov Parnell  
**Attachments:** Jewell Parnell Final.pdf

Attached is the letter that was sent to Gov Parnell's office re: FWS, NPS and BLM access in Alaska.

We will share the letter with the handful of reporters who have been following this issue.

Please let me know if you have any questions.

Best,

Blake

**From:** "Howarth, Robert" <robert\_howarth@ios.doi.gov>  
**Date:** October 9, 2013, 5:23:59 PM EDT  
**To:** [mike.nizich@alaska.gov](mailto:mike.nizich@alaska.gov), [kip.knudson@alaska.gov](mailto:kip.knudson@alaska.gov)  
**Cc:** "Director, OES Fay Iudicello" <[fay\\_iudicello@ios.doi.gov](mailto:fay_iudicello@ios.doi.gov)>, Terri Johnson <[terri\\_johnson@ios.doi.gov](mailto:terri_johnson@ios.doi.gov)>, Sarah Neimeyer <[sarah\\_neimeyer@ios.doi.gov](mailto:sarah_neimeyer@ios.doi.gov)>, Nicole Buffa <[nikki\\_buffa@ios.doi.gov](mailto:nikki_buffa@ios.doi.gov)>  
**Subject:** Letter from Secretary of the Interior

Good evening Mr. Nizich and Mr. Knudson. Please find attached a letter from Secretary Jewell to Governor Parnell in response to his October 4 letter.

Should you have any questions, please contact me.

Regards,

Rob Howarth

--

Robert Howarth  
Deputy Director for Correspondence and FOIA Management  
Office of the Executive Secretariat and Regulatory Affairs  
Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

202-208-3181

202-208-4451 (direct)  
202-549-8961 (cell)

--

**Blake Androff**

Deputy Director of Communications

U.S. Department of the Interior

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



THE SECRETARY OF THE INTERIOR  
WASHINGTON

OCT 09 2013

The Honorable Sean Parnell  
Governor of Alaska  
Juneau, Alaska 99811

Dear Governor Parnell:

Thank you for your phone call and follow-up letter on October 4, 2013. I fully appreciate your concern regarding access to National Wildlife Refuges, National Parks and Preserves, and public lands during this difficult period of government shutdown. We continue to hope for a speedy resolution to the lapse in Federal appropriations so that we may reopen all of these lands for the use and enjoyment of Alaskans and visitors to your State.

As we discussed during our conversation, due to the lapse in funds appropriated by the United States Congress for the operation of the National Park System and the National Wildlife Refuge System, a nationwide closure has been implemented to maintain public health and safety and to protect park and refuge resources during the shutdown period. Consistent with the legal limitations on spending in the absence of appropriations and the Department of the Interior's Contingency Plans, available at [www.doi.gov/shutdown](http://www.doi.gov/shutdown), only a relatively small number of personnel are on duty during the shutdown period. Those personnel are not sufficient to provide a full range of public and resource protection services. Therefore, in light of the shutdown and Contingency Plan, measures less restrictive than a national closure are not sufficient to maintain public health and safety and to protect park and refuge resources.

While nationwide closures have had to be implemented, the park and refuge closures in Alaska fully respect the unique provisions set forth in the Alaska National Interest Lands Conservation Act (ANILCA). Consistent with our regulations implementing ANILCA, the park and refuge closures in Alaska will expire automatically at the end of the shutdown period or no later than October 31, 2013. Also specific to Alaska, the closures in both parks and refuges allow for the continuation of subsistence uses and access to in-holdings authorized by ANILCA. In addition, members of the public, concessioners, and holders of commercial use authorizations who were already on multi-day backcountry trips that could not be safely terminated immediately when the closure occurred have been allowed to continue and complete their multi-day backcountry trips in accordance with their approved permit or plan.

Moreover, the park and refuge closures do not apply to private and public owners of property or other valid existing rights located within the exterior boundaries of units of the National Wildlife Refuge System or National Park System. Park and refuge managers will continue to allow such owners reasonable access to their private property. Also, this closure does not apply to State

roads and highways or roads that pass through units of the National Park System or National Wildlife Refuge System, which provide primary access between points located outside of the refuges or parks. Members of the public may continue to use those roads during the shutdown period. However, park and refuge managers are limited in their ability to maintain or repair those roads and managers may close those roads or portions of those roads if such closure is warranted by weather, poor road conditions, or other circumstances. In short, the park and refuge closures are consistent with each other, are authorized under the ANILCA regulations addressing emergency closures, and fully respect the rights granted under ANILCA.

As we also discussed, the Bureau of Land Management (BLM) operates under significantly different statutes and management structure than do the Fish and U.S. Wildlife Service and the National Park Service. On public lands managed by the BLM, the BLM has closed and secured visitor centers and facilities. Visitor activities that require a permit may be canceled or postponed. Contracted operations such as trash collection and facilities cleaning have been suspended. Where practical, areas will be posted with signs that state that no patrols, maintenance or other management activities will be provided (including emergency or rescue services provided by BLM). Concessions and some commercial outfitter and guide special recreation permits can continue operations as long as they do not need BLM field monitoring and regulatory oversight and are not operating in sites that have been closed.

I hope this letter has helped to clarify the closure decisions necessitated by the lapse in appropriations on lands administered by the Department of the Interior. As an avid outdoor enthusiast and former business leader dependent on access to public lands for customers, I fully appreciate that the Federal Government shutdown has an economic impact on communities, businesses, and individuals. My colleagues throughout the Department of the Interior are anxious to get back to work—serving the public, fulfilling the need for scientific support, and supporting Alaska Natives and American Indians. I join you in wanting this unfortunate situation to end!

Sincerely,



Sally Jewell

---

**From:** Roth, Barry <barry.roth@sol.doi.gov>  
**Sent:** Thursday, October 10, 2013 2:01 PM  
**To:** Foster, Maureen  
**Subject:** Fwd: This is what I gave to Ted  
**Attachments:** Interim Policy with edits.draft 10.10BNRclean.docx

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

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**From:** **Roth, Barry** <[barry.roth@sol.doi.gov](mailto:barry.roth@sol.doi.gov)>  
**Date:** Thu, Oct 10, 2013 at 1:55 PM  
**Subject:** This is what I gave to Ted  
**To:** "Sheaffer, C. B." <[Bruce\\_Sheaffer@nps.gov](mailto:Bruce_Sheaffer@nps.gov)>

But if you want to give me any comments or concerns in the meantime I will work to address them before something goes back to Jon and others.

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

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(b) (5)

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**From:** McDowall, Lena <lena\_mcdowall@nps.gov>  
**Sent:** Saturday, October 12, 2013 10:28 AM  
**To:** Maureen Foster  
**Subject:** Fwd: OMB

The email below is from one of Delaware North's lawyers. I'm assuming they're thinking about SHEN. He's asking if you ever spoke to Doug Domenech about VA parks. I wasn't keeping track of all of the state deals going down yesterday. Could you let me know? I'll send Mike a quick note back.

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

**From:** Rossetti, Michael <mrossetti@akingump.com>  
**Date:** Sat, Oct 12, 2013 at 10:21 AM  
**Subject:** Re: OMB  
**To:** "McDowall, Lena" <lena\_mcdowall@nps.gov>

I know that you guys are swamped. Do you know if Maureen ever got back to Doug Domenech re VA parks?

On Oct 11, 2013, at 8:30 PM, "McDowall, Lena"  
<lena\_mcdowall@nps.gov<mailto:lena\_mcdowall@nps.gov>> wrote:

was just about to email Jim Houser. I'm working on the approval for Peaks of Otter and Wawona Lodge and Grocery Store. It will come as an e-mail from me and will require a quick email back acknowledging that the operator will comply with the conditions for reopening.

On Fri, Oct 11, 2013 at 7:28 PM, Rossetti, Michael  
<mrossetti@akingump.com<mailto:mrossetti@akingump.com>> wrote:

Do think that you will have OMB approval for Delaware North today (sorry for inquiring so late in the day)?

---

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--

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

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

---

**From:** Maureen Foster <maureen\_foster@nps.gov>  
**Sent:** Saturday, October 12, 2013 11:05 AM  
**To:** McDowall, Lena  
**Subject:** Re: OMB

Yes. The state sent a list. Virginia is in the queue for next week.

Maureen D. Foster  
National Park Service  
202.208.5970 office  
202.306.3845 cell

On Oct 12, 2013, at 10:28 AM, "McDowall, Lena" <[lena\\_mcdowall@nps.gov](mailto:lena_mcdowall@nps.gov)> wrote:

The email below is from one of Delaware North's lawyers. I'm assuming they're thinking about SHEN. He's asking if you ever spoke to Doug Domenech about VA parks. I wasn't keeping track of all of the state deals going down yesterday. Could you let me know? I'll send Mike a quick note back.

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

**From:** Rossetti, Michael <[mrossetti@akingump.com](mailto:mrossetti@akingump.com)>  
**Date:** Sat, Oct 12, 2013 at 10:21 AM  
**Subject:** Re: OMB  
**To:** "McDowall, Lena" <[lena\\_mcdowall@nps.gov](mailto:lena_mcdowall@nps.gov)>

I know that you guys are swamped. Do you know if Maureen ever got back to Doug Domenech re VA parks?

On Oct 11, 2013, at 8:30 PM, "McDowall, Lena" <[lena\\_mcdowall@nps.gov](mailto:lena_mcdowall@nps.gov)<[mailto:lena\\_mcdowall@nps.gov](mailto:lena_mcdowall@nps.gov)>> wrote:

was just about to email Jim Houser. I'm working on the approval for Peaks of Otter and Wawona Lodge and Grocery Store. It will come as an e-mail from me and will require a quick email back acknowledging that the operator will comply with the conditions for reopening.

On Fri, Oct 11, 2013 at 7:28 PM, Rossetti, Michael <[mrossetti@akingump.com](mailto:mrossetti@akingump.com)<<mailto:mrossetti@akingump.com>>> wrote:

Do think that you will have OMB approval for Delaware North today (sorry for inquiring so late in the day)?

---

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

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

---

**From:** McDowall, Lena <lena\_mcdowall@nps.gov>  
**Sent:** Saturday, October 12, 2013 11:15 AM  
**To:** Maureen Foster  
**Subject:** Re: OMB

Thanks, Maureen. SHEN is on the list, right?

On Sat, Oct 12, 2013 at 11:05 AM, Maureen Foster <maureen\_foster@nps.gov> wrote:  
Yes. The state sent a list. Virginia is in the queue for next week.

Maureen D. Foster  
National Park Service  
202.208.5970 office  
202.306.3845 cell

On Oct 12, 2013, at 10:28 AM, "McDowall, Lena" <lena\_mcdowall@nps.gov> wrote:

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**From:** Rossetti, Michael <mrossetti@akingump.com>  
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**Subject:** Re: OMB  
**To:** "McDowall, Lena" <lena\_mcdowall@nps.gov>

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---

**From:** Margaret O'Dell <peggy\_o'dell@nps.gov>  
**Sent:** Saturday, October 05, 2013 1:42 PM  
**To:** Jon Jarvis; Laura Davis  
**Subject:** Blue Ridge Parkway

Bus load of supporters have shown up to support Concession operation.  
Not sure of status right now but some level of problem likely.  
Sent from my iPhone

---

**From:** Margaret O'Dell <peggy\_o'dell@nps.gov>  
**Sent:** Tuesday, October 08, 2013 11:33 AM  
**To:** Litterst, Michael  
**Cc:** Jonathan Jarvis; Maureen Foster; Cam Sholly; Sue Waldron; Shawn Bengel  
**Subject:** Re: Media Request on deadline - Businesses in NP

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](mailto: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

From: Margaret O'Dell <peggy_o'dell@nps.gov>
Sent: Wednesday, September 25, 2013 6:38 PM
To: Lena McDowall
Subject: Shutdown and concessioners

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

From: Margaret O'Dell <peggy_o'dell@nps.gov>
Sent: Thursday, September 26, 2013 6:08 AM
To: Lena McDowall
Subject: Re: Shutdown and concessioners

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

From: Margaret O'Dell <peggy_o'dell@nps.gov>
Sent: Saturday, October 12, 2013 10:43 AM
To: Jon Jarvis; Don Hellmann; Melissa Kuckro
Subject: Hearing

Concessioners not going to testify according to my friend. Pisgah invited and not attending. Claude Moore will testify.
Sent from my iPhone

From: Margaret O'Dell <peggy_o'dell@nps.gov>
Sent: Saturday, October 12, 2013 3:03 PM
To: Cam Sholly
Subject: Re: Update

Thanks Cam. Appreciate the updates and trying not to look very often.
Nice to have some time away so I greatly appreciate you on top of things.

Sent from my iPhone

On Oct 12, 2013, at 2:20 PM, Cam Sholly <cam_sholly@nps.gov> wrote:

> Just did call with all regions and so far, pretty quiet overall. A
> few things here and there. Openings seem to be going very well at this
> point. Lena is working through about 20 concessioner requests.
>
>
> _____
> Cameron Sholly
> Associate Director
> Visitor and Resource Protection
> National Park Service
> 202.565.1020-w
> 202.309.8093-c
>
> Sent Wirelessly

From: Margaret O'Dell <peggy_o'dell@nps.gov>
Sent: Monday, October 14, 2013 9:21 AM
To: Sholly, Cam
Cc: Maureen Foster; Suzanne Waldron; Bruce Sheaffer; Lena McDowall
Subject: Re: Questions from the Weekend

Thanks to all of you for working this weekend. I know it was a tough Sunday. I hope you get some rest today.
Sent from my iPhone

On Oct 14, 2013, at 8:31 AM, "Sholly, Cam" <cam_sholly@nps.gov> wrote:

Questions that came up over the weekend from regional chiefs:



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

From: O'Dell, Margaret <peggy_o'dell@nps.gov>
Sent: Thursday, October 10, 2013 1:00 PM
To: Chris Lehnertz
Subject: Re: PWR RD

You are approved for two days of work, October 10 and 11 for three hours each day. You will go back on furlough after your three hours on October 11 to manage the shutdown issues associated with concession operations at GOGA and LAKE.

On Thu, Oct 10, 2013 at 12:35 PM, Chris Lehnertz <chrleh@icloud.com> wrote:
Hi Peggy,

Sorry, should have included that. Specific issue surrounding continuing concessions situation and GOGA. Will be working closely with Superintendent while rest of PWR team continues operations. Not swapping for anyone. Have worked with Patty on tracking hours, etc.

Thanks.

On Oct 10, 2013, at 4:57 AM, "O'Dell, Margaret" <peggy_o'dell@nps.gov> wrote:

Are you swapping out for anyone? Or can you describe a workload issue that can't be handled by the existing team. Not trying to be difficult just trying to preserve our compliance with the anti deficiency act. I am happy to discuss if you want.

On Wed, Oct 9, 2013 at 2:57 PM, Chris Lehnertz <chrleh@icloud.com> wrote:
Hi Peggy,

PWR RD will be working three hours on both Thursday, 10/10 and Friday, 10/11 in the office. Specific issues are GOGA and LAKE concessions.

Thanks for all you are doing.

Chris

From: Margaret O'Dell <peggy_o'dell@nps.gov>
Sent: Saturday, October 12, 2013 9:57 AM
To: Sally Jewell
Cc: Bruce Sheaffer; Cam Sholly; Lena McDowall
Subject: Re: Concessions

Thank you Sally for your support and guidance. I am planning to stay home Saturday and Sunday. Bruce Sheaffer, Lena McDowall and Cam Sholly will be on duty watching email. Jon, Maureen and I will be in Monday.
Don't hesitate if you need anything.
Sent from my iPhone

On Oct 11, 2013, at 10:21 PM, Sally Jewell @ios.doi.gov> wrote:

> Thanks Jon and Peggy. Hard week all around, but we will have some
> happy visitors, concessionaires and gateway communities. I hope the
> madness ends soon and that there is a renewed appreciation for the
> difference the federal government makes in people's lives in many
> ways.

>
> Hope you both get some deserved sleep.

>
> Sally

>
> On Oct 11, 2013, at 7:56 PM, Jonathan Jarvis <jon_jarvis@nps.gov> wrote:

>
>> I just reviewed and approved for opening:

>>
>> Wawona hotel and store in Yosemite
>> Cliff house and the Youth hostel in Golden Gate City Tavern in
>> Independence Peaks of Otter in Blue Ridge

>>
>> I think that is all for tonight. The team will continue to review
>> proposals over the weekend and I will review and approve as
>> appropriate.

>>
>> Again, thanks everyone!!!

>>
>> Sent from my iPhone

From: Margaret O'Dell <peggy_o'dell@nps.gov>
Sent: Tuesday, October 01, 2013 9:32 PM
To: Neubacher, Patricia
Cc: Peggy O'Dell
Subject: Re: Cliff House

We will discuss in the morning and get back with you. Thanks for the info.

Sent from my iPhone

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.

>
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>>> --

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

>>
>>
>>
>> --
>> Frank Dean
>> General Superintendent
>> Golden Gate
>> National Recreation Area
>> San Francisco, CA 94123
>> (415) 561-4720
>
>
>
> --
> Patty Neubacher
> Deputy Regional Director
> Pacific West Region
> (415) 623-2105 work
> (510) 604-9998 cell
>
>
>
> --
> Frank Dean
> General Superintendent
> Golden Gate
> National Recreation Area
> San Francisco, CA 94123
> (415) 561-4720
>
>
>
> --
> Patty Neubacher
> Deputy Regional Director
> Pacific West Region
> (415) 623-2105 work
> (510) 604-9998 cell
> <Cliff House open in event of Government Shutdown - Rationale.pdf>

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.

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)

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

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On 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

828/348-3426 (O)

828/271-4118 (F)

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

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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:



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

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

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

<william_f_reynolds@nps.gov> wrote:

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

Thanks,
Bill

On Wed, Oct 2, 2013 at 7:59 PM, Suzanne Waldron

<sue_waldron@nps.gov> wrote:

Can we see the tpts?

Sent from my iPhone

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

Thanks, Steve! Looping in WASO

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

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

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

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

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

Steve Stinnett
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immediately by e-mail and delete all copies of the message.

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 Bengé <shawn_benge@nps.gov>
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

copy

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

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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
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

--

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

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Visit us at www.nps.gov

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American people so that all may experience our heritage.

EXPERIENCE YOUR AMERICA

--

Shawn Benge

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

Young, Deirdre R

From: Haugrud, Kevin <jack.haugrud@sol.doi.gov>
Sent: Friday, October 11, 2013 7:49 PM
To: Nicole Buffa; Jon Jarvis; Margaret O'Dell; Maureen Foster; Barry Roth; Ted Boling; Blake Androff; Robert Eaton
Subject: Concession Contract Review Policy and Closure Addendum
Attachments: NPS Policy on Concessionaire Contract Review (SOL final) (1).docx

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.

(b) (5)

(b) (5)

Young, Deirdre R

From: McDowall, Lena <lena_mcdowall@nps.gov>
Sent: Sunday, October 13, 2013 6:08 PM
To: Jonathan Jarvis
Subject: Re: Recommend Approval - 4 concessioners from SER



On Sat, Oct 12, 2013 at 6:50 PM, Jonathan Jarvis <jon_jarvis@nps.gov> wrote:

Lena

i approved these but send me a note about these contractual land assignments for the horse stables. it sounds like they are using certain park trails as a part of their contract or they actually have non park lands for trail riding. you can send me a note tomorrow. Thanks for working on these!

Jon

Sent from my iPad

On Oct 12, 2013, at 5:49 PM, "McDowall, Lena" <lena_mcdowall@nps.gov> wrote:

Bruce and I have reviewed requests from the following concessioners in SER:

Avon Pier - Cape Hatteras
Oregon Inlet Fishing Center - Cape Hatteras
Smokemount Riding Stables - Great Smoky Mountains
Smoky Mountain Stables - Great Smoky Mountains



(b) (5)

Thanks,

Lena

Avon Pier

(b) (5)

Oregon Inlet Fishing Center

(b) (5)

Smokemont Riding Stables

(b) (5)

Smoky Mountain Stables

(b) (5)

--

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

--

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

Young, Deirdre R

From: Jonathan Jarvis <jon_jarvis@nps.gov>
Sent: Sunday, October 13, 2013 8:55 AM
To: McDowall, Lena
Cc: Bruce Sheaffer
Subject: Re: Recommended Approval - Stovepipe Wells Village - DEVA

I approve the re opening of Stovepipe Village.

Sent from my iPhone

On Oct 12, 2013, at 7:24 PM, "McDowall, Lena" <lena_mcdowall@nps.gov> wrote:

Last one for today!

(b) (5)

Thanks,

Lena

Stovepipe Wells Village - DEVA

(b) (5)

--

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

Young, Deirdre R

From: McDowall, Lena <lena_mcdowall@nps.gov>
Sent: Saturday, October 12, 2013 7:24 PM
To: Jonathan Jarvis
Cc: Bruce Sheaffer
Subject: Recommended Approval - Stovepipe Wells Village - DEVA

Last one for today!

(b) (5)

Thanks,

Lena

Stovepipe Wells Village - DEVA

(b) (5)

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

Young, Deirdre R

From: McDowall, Lena <lena_mcdowall@nps.gov>
Sent: Saturday, October 12, 2013 6:52 PM
To: Jonathan Jarvis
Subject: Re: Recommend Approval - 4 concessioners from SER

I'll double-check with Gordon before I send the approval memos.

On Sat, Oct 12, 2013 at 6:50 PM, Jonathan Jarvis <jon_jarvis@nps.gov> wrote:

Lena

i approved these but send me a note about these contractual land assignments for the horse stables. it sounds like they are using certain park trails as a part of their contract or they actually have non park lands for trail riding. you can send me a note tomorrow. Thanks for working on these!

Jon

Sent from my iPad

On Oct 12, 2013, at 5:49 PM, "McDowall, Lena" <lena_mcdowall@nps.gov> wrote:

Bruce and I have reviewed requests from the following concessioners in SER:

Avon Pier - Cape Hatteras
Oregon Inlet Fishing Center - Cape Hatteras
Smokemount Riding Stables - Great Smoky Mountains
Smoky Mountain Stables - Great Smoky Mountains



Thanks,

Lena

Avon Pier



Oregon Inlet Fishing Center



Smokemont Riding Stables



Smoky Mountain Stables



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

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

Young, Deirdre R

From: Jonathan Jarvis <jon_jarvis@nps.gov>
Sent: Saturday, October 12, 2013 6:51 PM
To: McDowall, Lena
Subject: Re: Recommend Approval - 4 concessioners from SER

Lena
i approved these but send me a note about these contractual land assignments for the horse stables. it sounds like they are using certain park trails as a part of their contract or they actually have non park lands for trail riding. you can send me a note tomorrow. Thanks for working on these!

Jon

Sent from my iPad

On Oct 12, 2013, at 5:49 PM, "McDowall, Lena" <lena_mcdowall@nps.gov> wrote:

Bruce and I have reviewed requests from the following concessioners in SER:

Avon Pier - Cape Hatteras
Oregon Inlet Fishing Center - Cape Hatteras
Smokemount Riding Stables - Great Smoky Mountains
Smoky Mountain Stables - Great Smoky Mountains

(b) (5)

Thanks,

Lena

Avon Pier

(b) (5)

Oregon Inlet Fishing Center

(b) (5)

(b) (5)

Smokemont Riding Stables

(b) (5)

Smoky Mountain Stables

(b) (5)

--

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

Young, Deirdre R

From: Jonathan Jarvis <jon_jarvis@nps.gov>
Sent: Saturday, October 12, 2013 6:22 PM
To: McDowall, Lena
Cc: Bruce Sheaffer; Gordon Wissinger
Subject: Re: Recommend Approval - 4 concessioners from SER

I approve of those below to be reopened.

Sent from my iPhone

On Oct 12, 2013, at 5:49 PM, "McDowall, Lena" <lena_mcdowall@nps.gov> wrote:

Bruce and I have reviewed requests from the following concessioners in SER:

Avon Pier - Cape Hatteras
Oregon Inlet Fishing Center - Cape Hatteras
Smokemount Riding Stables - Great Smoky Mountains
Smoky Mountain Stables - Great Smoky Mountains

(b) (5)

Thanks,

Lena

Avon Pier

(b) (5)

Oregon Inlet Fishing Center

(b) (5)

(b) (5)

Smokemont Riding Stables

(b) (5)

Smoky Mountain Stables

(b) (5)

--

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

Young, Deirdre R

From: Jonathan Jarvis <jon_jarvis@nps.gov>
Sent: Saturday, October 12, 2013 6:20 PM
To: McDowall, Lena
Cc: Bruce Sheaffer
Subject: Re: Recommended Approvals - Kalaloch Lodge

I know kalaloch. I approve its opening.

Sent from my iPhone

On Oct 12, 2013, at 6:13 PM, "McDowall, Lena" <lena_mcdowall@nps.gov> wrote:



Thanks,

Lena

Kalaloch Lodge - OLYM



--

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

Young, Deirdre R

From: McDowall, Lena <lena_mcdowall@nps.gov>
Sent: Saturday, October 12, 2013 6:14 PM
To: Jonathan Jarvis
Cc: Bruce Sheaffer
Subject: Recommended Approvals - Kalaloch Lodge

(b) (5)

Thanks,

Lena

Kalaloch Lodge - OLYM

(b) (5)

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

Young, Deirdre R

From: McDowall, Lena <lena_mcdowall@nps.gov>
Sent: Saturday, October 12, 2013 5:50 PM
To: Jonathan Jarvis
Cc: Bruce Sheaffer; Gordon Wissinger
Subject: Recommend Approval - 4 concessioners from SER

Bruce and I have reviewed requests from the following concessioners in SER:

Avon Pier - Cape Hatteras
Oregon Inlet Fishing Center - Cape Hatteras
Smokemount Riding Stables - Great Smoky Mountains
Smoky Mountain Stables - Great Smoky Mountains

(b) (5)

Thanks,

Lena

Avon Pier

(b) (5)

Oregon Inlet Fishing Center

(b) (5)

Smokemont Riding Stables

(b) (5)

(b) (5)

Smoky Mountain Stables

(b) (5)

--

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

Young, Deirdre R

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.

Young, Deirdre R

From: Rachel Jacobson <rachel_jacobson@ios.doi.gov>
Sent: Friday, October 11, 2013 7:36 PM
To: Jon_Jarvis@nps.gov
Cc: peggy_o'dell@nps.gov
Subject: Fw: Draft concession template notification
Attachments: ConcessionTemplate_lm edit.docx

From: McDowall, Lena [mailto:lena_mcdowall@nps.gov]
Sent: Friday, October 11, 2013 04:33 PM
To: Roth, Barry <barry.roth@sol.doi.gov>
Cc: Rachel Jacobson <rachel_jacobson@ios.doi.gov>; Edward Boling <ted.boling@sol.doi.gov>; Rob Eaton <robert.eaton@sol.doi.gov>
Subject: Re: Draft concession template notification

This looks good to me. I made one small edit, and I need to check with Jon on signature. He had wanted these approvals to come directly from him.

On Fri, Oct 11, 2013 at 7:23 PM, Roth, Barry <barry.roth@sol.doi.gov> wrote:
For comment and revision

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)

/O=DOI/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=

From: Rachel Jacobson [rachel_jacobson@ios.doi.gov]
Sent: Friday, October 11, 2013 12:40 PM
To: barry.roth@sol.doi.gov; Jon_Jarvis@nps.gov
Subject: Concessions

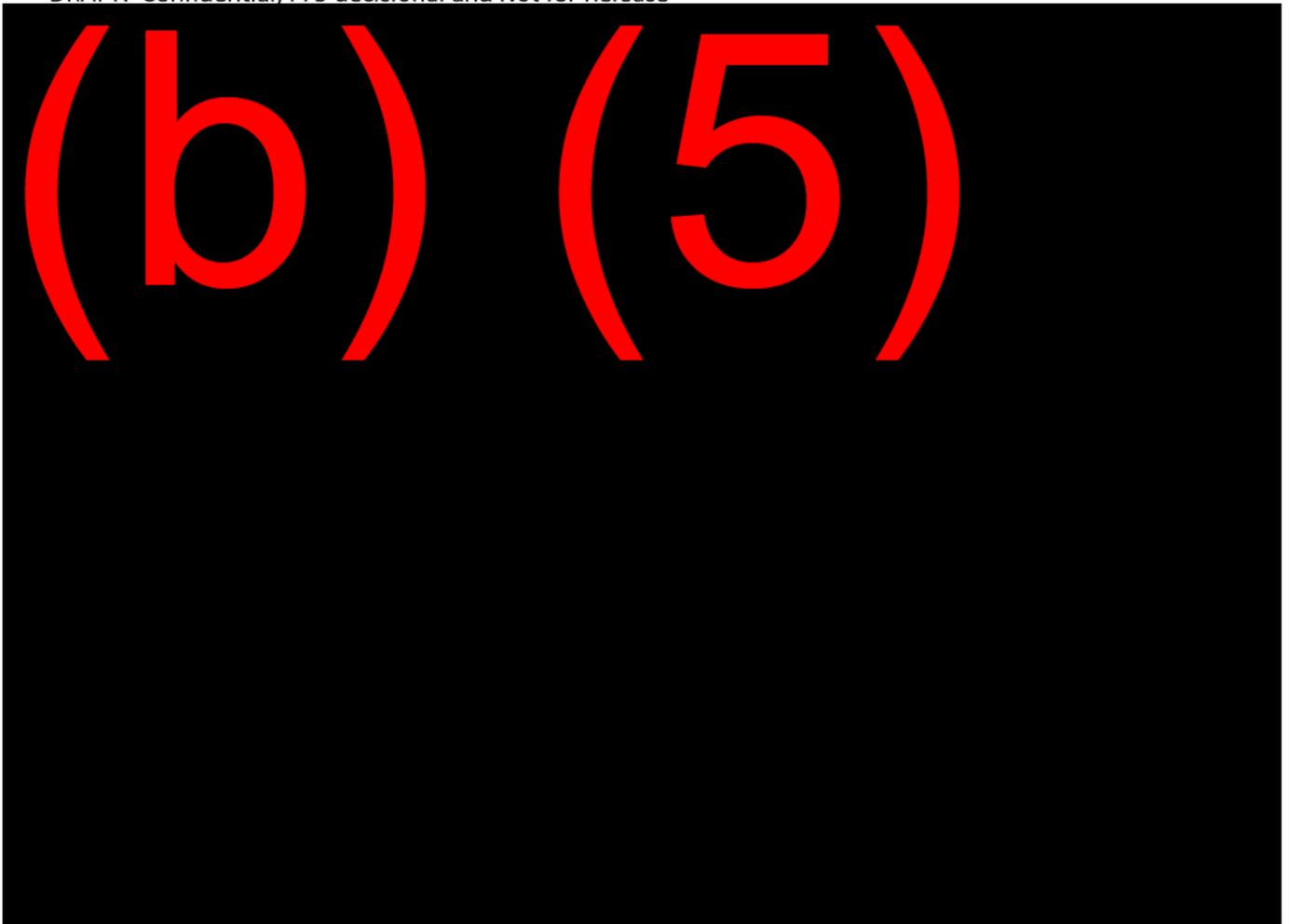
Make sure Jon's criteria match the language that will go into amended order. Thanks

From: Jarvis, Jonathan [jon_jarvis@nps.gov]
Sent: Thursday, October 10, 2013 8:20 AM
To: Rachel Jacobson; Ted Boling; Barry Roth; Bruce Sheaffer; Lena McDowall; Maureen Foster; Peggy O'Dell
Subject: Revised policy on concessions
Attachments: Interim Policy with edits.draft 10.10.docx

Here is a revised policy for you review. I suggest we let the SOL take the pen first so we can get this nailed down.

--
Jonathan B. Jarvis
Director, NPS

(b) (5)



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: (b) (6)

Delaware North
Rick Abramson, President
(716) 858-5011
cell: (b) (6)

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

Waiting to see if this works b

Maureen D. Foster
National Park Service
202.208.5970

Begin forwarded message:

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

Will something like this work?



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

We need it ASAP for upstairs.

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

EXPERIENCE YOUR AMERICA

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

--

Lena McDowall

Associate Director, Business Services

Ph: (202) 208-5651

Cell: (202) 641-1814

Email: Lena_McDowall@nps.gov

Young, Deirdre R

From: McDowall, Lena <lena_mcdowall@nps.gov>
Sent: Sunday, October 13, 2013 6:27 PM
To: Jonathan Jarvis
Cc: Bruce Sheaffer
Subject: Reopening Request Update
Attachments: Requests to Reopen.xlsx

Jon -

We've received 41 requests to reopen - 13 have been approved. A spreadsheet with the requests received to date is attached.

I continued to gather information from parks and regions today, and we've been talking to the regions about the nuances associated with each request. At this point, Bruce and I don't plan to make any additional approval recommendations until Tuesday. We'd like to have a conversation with the larger group about many of these before we make our final recommendation.

Please let me know if you have any questions.

Thanks,

Lena

--

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

Region	Park	Facility	Operator	Action
IMR	BIBE	Far Flung Outdoor Center	Far Flung Outdoor Center	
NCR	NAMA	GSI concessions on the Mall	GSI	
NCR	ROCR	Rock Creek Golf Course	Golf Course Specialists	
NCR	ROCR	Rock Creek Horse Center	GSI	
NCR	ROCR	Thompson Boat Center	GSI	
NCR		Columbia Sailing Marina	GSI	
NCR		East Potomac Golf Course	Golf Course Specialists	
NCR		Elipse Concession	GSI	
NCR		Ford's Theater		
NCR		Indigo Landing Restaurant	GSI	
NCR		James Creek Marina	GSI	
NCR		Langston Golf Course	Golf Course Specialists	
NCR		Washington Sailing Marina	GSI	
NER	COLO	Carrot Tree		
NER	GATE	Aviator		
NER	INDE	City Tavern		Approved
PWR	DEVA	Stovepipe Wells Village	Ortega	Approved
PWR	GOGA	Alcatraz	Hornblower Cruises	
PWR	GOGA	Cliff House	Peanut Wagon, Inc.	Approved
PWR	GOGA	Fort Barry and Fort Mason Hostels	Hostels Int'l/Golden Gate Council	Approved
PWR	GOGA	Lands End Lookout	Golden Gate National Parks Conservancy	
PWR	GOGA	Warming Hut and Beach Hut - Crissy Field	Golden Gate National Parks Conservancy	
PWR	JOTR	J Tree Nat'l Park Association		
PWR	KLSE	Coop Assoc Store	Discovery Your Northwest	
PWR	OLYM	Kalaloch Lodge	Delaware North	Approved
PWR	OLYM	Lake Crescent Lodge	Aramark	
PWR	YOSE	Wawona Hotel and Grocery Store	Delaware North	Approved
PWR	ROLA	Ross Lake Resort		
SER	BLRI	Folk Art Center		Approved
SER	BLRI	Mabry Mill Restaurant and Gift Shop	Sally Mae's	Approved
SER	BLRI	Northwest Trading Post	Sally Mae's	Approved
SER	BLRI	Peaks of Otter Lodge	Delaware North	Approved
SER	BLRI	Pisgah Inn	Parkway Inn, Inc.	Approved
SER	CAHA	All of Cape Hatteras	Outer Banks Preservation Association	
SER	CAHA	Avon Pier		Approved
SER	CAHA	Oregon Inlet Fishing Center		Approved
SER	EVER	Shark Valley Tram Tours	TRF Concession Specialists of FL	
SER	GRSM	Smokemont Riding Stables		
SER	GRSM	Smoky Mountain Stables (2 locations)		
SER	GUIS	West Ship Island	Ship Island Excursions	
SER	VIIS	Trunk Bay Snack Shack and Snorkel Rental/Gift shop	Caneel Bay Concession, Inc.	

Young, Deirdre R

From: Suzanne Waldron <sue_waldron@nps.gov>
Sent: Tuesday, October 15, 2013 4:06 PM
To: McDowall, Lena
Cc: Jonathan Jarvis; Peggy O'Dell; Maureen Foster; Cam Sholly; Bruce Sheaffer
Subject: Re: Concessioner Reopenings

Should we post this with the policy?

Sent from my iPhone

On Oct 15, 2013, at 4:04 PM, "McDowall, Lena" <lena_mcdowall@nps.gov> wrote:

All -

Here is the list of approved re-openings:

Blue Ridge Parkway

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

Cape Hatteras

Avon Pier
Oregon Inlet Fishing Center

Death Valley

Stovepipe Wells Village

Golden Gate NRA

Cliff House
Fort Barry and Fort Mason Hostels

Independence

City Tavern

Olympic NP

Kalaloch Lodge

Yosemite NP

Wawona Hotel and Grocery Store

Thanks,

Lena

--

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

Young, Deirdre R

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

All -

Here is the list of approved re-openings:

Blue Ridge Parkway

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

Cape Hatteras

Avon Pier
Oregon Inlet Fishing Center

Death Valley

Stovepipe Wells Village

Golden Gate NRA

Cliff House
Fort Barry and Fort Mason Hostels

Independence

City Tavern

Olympic NP

Kalaloch Lodge

Yosemite NP

Wawona Hotel and Grocery Store

Thanks,

Lena

--

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

Young, Deirdre R

From: Jonathan Jarvis <jon_jarvis@nps.gov>
Sent: Saturday, October 12, 2013 2:01 PM
To: Bruce Sheaffer
Subject: Fwd: BLRI Concessioner Requests to Reopen - Recommended Approvals

Sent from my iPhone

Begin forwarded message:

From: Mark Woods <mark_woods@nps.gov>
Date: October 12, 2013, 1:09:18 PM EDT
To: Jonathan Jarvis <jon_jarvis@nps.gov>
Cc: "McDowall, Lena" <lena_mcdowall@nps.gov>, Bruce Sheaffer <Bruce_Sheaffer@nps.gov>, Gordon Wissinger <gordon_wissinger@nps.gov>
Subject: Re: BLRI Concessioner Requests to Reopen - Recommended Approvals

Thank you.

Sent from my iPhone

On Oct 12, 2013, at 12:59 PM, Jonathan Jarvis <jon_jarvis@nps.gov> wrote:

I approve of these opening.

Sent from my iPad

On Oct 12, 2013, at 12:29 PM, "McDowall, Lena" <lena_mcdowall@nps.gov> wrote:

Jon -

Bruce and I have reviewed requests from the following Blue Ridge Parkway concessioners and partners:

Mabry Mill Restaurant & Gift Shop
Northwest Trading Post
Folk Art Center
Eastern National Sales at the Folk Art Center

The park did an excellent job analyzing the situation and operating requirements for all of these operations - see attached. Based on that analysis, the park feels they can reopen during the shutdown without causing the park to expend additional resources in violation of the anti-deficiency act. No LE, Fire or EMS support is required beyond that which is already being provided as an

excepted activity. The park will not need to provide utilities other than what is already being provided as an excepted activity. Trash removal in every case but one parking lot at Mabry Mill is handled by concessioner contract or a local municipality. NPS employees usually empty the waste bins in one parking lot at Mabry Mill, but the park says this is a minor activity that Mabry Mill has agreed to handle on its own. Based on this analysis, our conversations with the region and what has been approved elsewhere, we see no reason not to approve. Please let me know if you authorize the reopening of these facilities.

Thanks,

Lena

--

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

<BLRI_Recommended Concessions Approvals.docx>

Young, Deirdre R

From: Mark Woods <mark_woods@nps.gov>
Sent: Saturday, October 12, 2013 1:09 PM
To: Jonathan Jarvis
Cc: McDowall, Lena; Bruce Sheaffer; Gordon Wissinger
Subject: Re: BLRI Concessioner Requests to Reopen - Recommended Approvals

Thank you.

Sent from my iPhone

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Sent from my iPad

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Thanks,

Lena

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

<BLRI_Recommended Concessions Approvals.docx>

Young, Deirdre R

From: Jonathan Jarvis <jon_jarvis@nps.gov>
Sent: Saturday, October 12, 2013 12:59 PM
To: McDowall, Lena
Cc: Bruce Sheaffer; Gordon Wissinger; Mark Woods
Subject: Re: BLRI Concessioner Requests to Reopen - Recommended Approvals

I approve of these opening.

Sent from my iPad

On Oct 12, 2013, at 12:29 PM, "McDowall, Lena" <lena_mcdowall@nps.gov> wrote:

Jon -

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Northwest Trading Post
Folk Art Center
Eastern National Sales at the Folk Art Center

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Thanks,

Lena

--

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

<BLRI_Recommended Concessions Approvals.docx>

Young, Deirdre R

From: McDowall, Lena <lena_mcdowall@nps.gov>
Sent: Saturday, October 12, 2013 12:30 PM
To: Jonathan Jarvis
Cc: Bruce Sheaffer; Gordon Wissinger; Mark Woods
Subject: BLRI Concessioner Requests to Reopen - Recommended Approvals
Attachments: BLRI_Recommended Concessions Approvals.docx

Jon -

Bruce and I have reviewed requests from the following Blue Ridge Parkway concessioners and partners:

Mabry Mill Restaurant & Gift Shop
Northwest Trading Post
Folk Art Center
Eastern National Sales at the Folk Art Center

The park did an excellent job analyzing the situation and operating requirements for all of these operations - see attached. Based on that analysis, the park feels they can reopen during the shutdown without causing the park to expend additional resources in violation of the anti-deficiency act. No LE, Fire or EMS support is required beyond that which is already being provided as an excepted activity. The park will not need to provide utilities other than what is already being provided as an excepted activity. Trash removal in every case but one parking lot at Mabry Mill is handled by concessioner contract or a local municipality. NPS employees usually empty the waste bins in one parking lot at Mabry Mill, but the park says this is a minor activity that Mabry Mill has agreed to handle on its own. Based on this analysis, our conversations with the region and what has been approved elsewhere, we see no reason not to approve. Please let me know if you authorize the reopening of these facilities.

Thanks,

Lena

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

BLUE RIDGE PARKWAY CONCESSION/PARTNER OPERATIONS
Recommended Approvals

MABRY MILL RESTAURANT & GIFT SHOP

Law Enforcement NPS / Patrick and Floyd County SO
FIRE Meadows of Dan / Floyd VFD
EMS Meadows of Dan, Floyd Rescue
WATER NPS (Water system is separate from other NPS systems, there is an excepted water systems worker in the sub-district)
SEWER NPS
TRASH Floyd County (restaurant dumpster),/ trash cans in parking and historic area
SNOWPLOW Snow removal is normally not done in the Mabry Mill area

Comment:

(b) (5)

NORTHWEST TRADING POST

LAW ENFORCEMENT NPS/Ashe County SO
FIRE Glendale Springs VFD
EMS Ashe County Rescue/Laurel Springs VFD & NPS 1st Responders
WATER NPS (Water system is separate from other NPS systems, there is an excepted water systems worker in the sub-district)
SEWER NPS (Septic)
SNOWPLOW NC DOT (parking lot is off state road)

Comment:

(b) (5)

FOLK ART CENTER (Southern Highlands Craft Guild)

LAW ENFORCEMENT NPS/Asheville PD & Buncombe Co SO
FIRE Asheville FD
EMS Buncombe County
WATER City of Asheville
SEWER Metropolitan Sewerage District
TRASH Folk Art Center
SNOWPLOW NPS (Parking Area and approach on Parkway from Route 70)

Comment:

(b) (5)

EASTERN NATIONAL SALES AT THE FOLK ART CENTER

Comments:

(b) (5)

Comment:

(b) (5)

Young, Deirdre R

From: Sally Jewell (b) @ios.doi.gov>
Sent: Friday, October 11, 2013 10:21 PM
To: Jonathan Jarvis; Peggy O'Dell
Subject: Re: Concessions

Thanks Jon and Peggy. Hard week all around, but we will have some happy visitors, concessionaires and gateway communities. I hope the madness ends soon and that there is a renewed appreciation for the difference the federal government makes in people's lives in many ways.

Hope you both get some deserved sleep.

Sally

On Oct 11, 2013, at 7:56 PM, Jonathan Jarvis <jon_jarvis@nps.gov> wrote:

> I just reviewed and approved for opening:
>
> Wawona hotel and store in Yosemite
> Cliff house and the Youth hostel in Golden Gate City Tavern in
> Independence Peaks of Otter in Blue Ridge
>
> I think that is all for tonight. The team will continue to review
> proposals over the weekend and I will review and approve as
> appropriate.
>
> Again, thanks everyone!!!
>
> Sent from my iPhone

Young, Deirdre R

From: Rachel Jacobson <rachel_jacobson@ios.doi.gov>
Sent: Friday, October 11, 2013 9:51 PM
To: nicole_buffa@ios.doi.gov; Jon_Jarvis@nps.gov
Cc: **Secr**@ios.doi.gov; sarah_neimeyer@ios.doi.gov; Laura_Davis@ios.doi.gov; Blake_Androff@ios.doi.gov; peggy_o'dell@nps.gov; jack.haugrud@sol.doi.gov; robert.eaton@sol.doi.gov; Ted.Boling@sol.doi.gov; barry.roth@sol.doi.gov; Kate_Kelly@ios.doi.gov
Subject: Re: Agreements

Correct, except for now (as of tonight) we are applying to 5 concessionaires, with others to be reviewed over the weekend to. Ensure they comply with criteria.

The 5 are:

Wawona hotel and store in Yosemite
Cliff house and the Youth hostel in Golden Gate
City Tavern in Independence
Peaks of Otter in Blue Ridge

From: Buffa, Nicole [mailto:nicole_buffa@ios.doi.gov]
Sent: Friday, October 11, 2013 04:46 PM
To: Jonathan Jarvis <jon_jarvis@nps.gov>
Cc: Sally Jewell <**Secr**@ios.doi.gov>; Sarah Neimeyer <sarah_Neimeyer@ios.doi.gov>; Laura Davis <Laura_Davis@ios.doi.gov>; Blake Androff <Blake_Androff@ios.doi.gov>; Peggy O'Dell <Peggy_O'Dell@nps.gov>; Rachel Jacobson <Rachel_Jacobson@ios.doi.gov>; Kevin Haugrud <jack.haugrud@sol.doi.gov>; Robert Eaton <robert.eaton@sol.doi.gov>; Ted Boling <Ted.Boling@sol.doi.gov>; Barry Roth <barry.roth@sol.doi.gov>; Kate P Kelly <Kate_Kelly@ios.doi.gov>
Subject: Re: Agreements

Yes. Good work everyone! Two additions (please let me know if I get this wrong, team):

- MO: MO was unable to get their money transferred to us in time, their issue not ours. NPS reports that MO was not concerned, and I notified folks who also didn't seem concerned.
- Assorted Concessionaires: Jack was able to get sign-off from OMB on our concessionaire rubric and we are applying it to 12 or so concessionaires throughout the country. They should receive reopening notifications soon. Blake is preparing an "if asked" statement.

We do not believe Treasury will be able to accept any additional monies until Tuesday so we are closed for business. Please let us know if you have any questions.

thanks,
Nikki

On Fri, Oct 11, 2013 at 7:41 PM, Jonathan Jarvis <jon_jarvis@nps.gov> wrote:
Sally: signed agreements and money wired. Notices sent to open

South Dakota for 10 days of Mt Rushmore.
Arizona for 7 days of Grand Canyon

New York for 6 days of the Statue
Colorado for 9 days of Rocky
Utah for 10 days of eight parks.

Done till Tuesday. Coms in the loop.

Hard work by everybody!!!! Thank you!!

Sent from my iPhone

--

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

Young, Deirdre R

From: Frank Dean <frank_dean@nps.gov>
Sent: Friday, October 11, 2013 8:39 PM
To: Jarvis, Jonathan
Cc: Robert.Edmonson@mail.house.gov
Subject: Re: Cliff House

Thanks Jon!

On Oct 11, 2013, at 5:13 PM, "Jarvis, Jonathan" <jon_jarvis@nps.gov> wrote:

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

--

Jonathan B. Jarvis
Director, NPS

Young, Deirdre R

From: Jonathan Jarvis <jon_jarvis@nps.gov>
Sent: Friday, October 11, 2013 8:31 PM
To: Kelly, Katherine
Subject: Re: Concessions

And a single malt scotch plus a brain transplant.

Sent from my iPhone

On Oct 11, 2013, at 8:21 PM, "Kelly, Katherine" <kate_kelly@ios.doi.gov> wrote:

that's it?

On Fri, Oct 11, 2013 at 8:17 PM, Jonathan Jarvis <jon_jarvis@nps.gov> wrote:
I need a beer.

Sent from my iPhone

On Oct 11, 2013, at 8:11 PM, "Kelly, Katherine" <kate_kelly@ios.doi.gov> wrote:

wowsers. what a week.

On Fri, Oct 11, 2013 at 7:56 PM, Jonathan Jarvis <jon_jarvis@nps.gov> wrote:
I just reviewed and approved for opening:

Wawona hotel and store in Yosemite
Cliff house and the Youth hostel in Golden Gate
City Tavern in Independence
Peaks of Otter in Blue Ridge

I think that is all for tonight. The team will continue to review proposals over the weekend and I will review and approve as appropriate.

Again, thanks everyone!!!

Sent from my iPhone

--

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

--

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

Young, Deirdre R

From: Buffa, Nicole <nicole_buffa@ios.doi.gov>
Sent: Friday, October 11, 2013 8:26 PM
To: Kevin Haugrud; Jonathan Jarvis
Cc: Laura Davis; Katherine Kelly; Blake Androff
Subject: Re: Claude Moore Farms

Is this the "if asked" statement we will use for our concessionaire questions? Has it been approved?

thanks in advance,
Nikki

On Wed, Oct 9, 2013 at 2:26 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

Jack – Kate and I talked to Sally. How about this (just made a change to the last sentence)? Kate and Blake – please feel free to edit too. I know I am being hyperbolic:

(b) (5)

(b) (5)

From: Haugrud, Kevin [mailto:jack.haugrud@sol.doi.gov]
Sent: Wednesday, October 09, 2013 12:38 PM
To: Nicole Buffa
Cc: Laura Davis; Kate P Kelly; Blake Androff
Subject: Re:

Looks fine. This has probably already been done, but just as an unnecessary reminder, for matters in litigation like Pisgah we should coordinate with DOJ's public affairs folks.

On Wed, Oct 9, 2013 at 12:16 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

This is what I'm calling about. It's the latest draft for concessionaires.

Begin forwarded message:

From: "Androff, Blake" <blake_androff@ios.doi.gov>
Date: October 9, 2013, 12:04:46 PM EDT
To: Katherine Kelly <Kate_Kelly@ios.doi.gov>, Nicole Buffa <Nicole_buffa@ios.doi.gov>

(b) (5)

(b) (5)

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

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

Young, Deirdre R

From: Edmonson, Robert <Robert.Edmonson@mail.house.gov>
Sent: Friday, October 11, 2013 8:24 PM
To: 'jon_jarvis@nps.gov'
Subject: Re: Cliff House

Thank you!

Sent using BlackBerry

From: Jarvis, Jonathan [mailto:jon_jarvis@nps.gov]
Sent: Friday, October 11, 2013 08:13 PM
To: Edmonson, Robert
Subject: Cliff House

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

--
Jonathan B. Jarvis
Director, NPS

Young, Deirdre R

From: Kelly, Katherine <kate_kelly@ios.doi.gov>
Sent: Friday, October 11, 2013 8:22 PM
To: Jonathan Jarvis
Subject: Re: Concessions

that's it?

On Fri, Oct 11, 2013 at 8:17 PM, Jonathan Jarvis <jon_jarvis@nps.gov> wrote:
I need a beer.

Sent from my iPhone

On Oct 11, 2013, at 8:11 PM, "Kelly, Katherine" <kate_kelly@ios.doi.gov> wrote:

wowsers. what a week.

On Fri, Oct 11, 2013 at 7:56 PM, Jonathan Jarvis <jon_jarvis@nps.gov> wrote:
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City Tavern in Independence
Peaks of Otter in Blue Ridge

I think that is all for tonight. The team will continue to review proposals over the weekend and I will review and approve as appropriate.

Again, thanks everyone!!!

Sent from my iPhone

--

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

--

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

Young, Deirdre R

From: Jonathan Jarvis <jon_jarvis@nps.gov>
Sent: Friday, October 11, 2013 8:19 PM
To: Sarah Neimeyer
Subject: Fwd: Concessions

I sent a note to Robert in Pelosi office about the cliff house. I leave it to you on other notifications below. Mellisa Kuckro will be in on Tuesday to help with my testimony.

Jon

Sent from my iPhone

Begin forwarded message:

From: "Kelly, Katherine" <kate_kelly@ios.doi.gov>
Date: October 11, 2013, 8:11:50 PM EDT
To: Jonathan Jarvis <jon_jarvis@nps.gov>
Subject: Re: Concessions

wowsers. what a week.

On Fri, Oct 11, 2013 at 7:56 PM, Jonathan Jarvis <jon_jarvis@nps.gov> wrote:
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Sent from my iPhone

--

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

Young, Deirdre R

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To: Kelly, Katherine
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Sent from my iPhone

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Sent from my iPhone

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

Young, Deirdre R

From: Jarvis, Jonathan <jon_jarvis@nps.gov>
Sent: Friday, October 11, 2013 8:13 PM
To: Robert.Edmonson@mail.house.gov
Subject: Cliff House

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

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Jonathan B. Jarvis
Director, NPS

Young, Deirdre R

From: Kelly, Katherine <kate_kelly@ios.doi.gov>
Sent: Friday, October 11, 2013 8:12 PM
To: Jonathan Jarvis
Subject: Re: Concessions

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Sent from my iPhone

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

Young, Deirdre R

From: Jonathan Jarvis <jon_jarvis@nps.gov>
Sent: Friday, October 11, 2013 7:56 PM
To: Buffa, Nicole
Cc: Sally Jewell; Sarah Neimeyer; Laura Davis; Blake Androff; Peggy O'Dell; Rachel Jacobson; Kevin Haugrud; Robert Eaton; Ted Boling; Barry Roth; Kate P Kelly
Subject: Concessions

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Wawona hotel and store in Yosemite

Cliff house and the Youth hostel in Golden Gate City Tavern in Independence Peaks of Otter in Blue Ridge

I think that is all for tonight. The team will continue to review proposals over the weekend and I will review and approve as appropriate.

Again, thanks everyone!!!

Sent from my iPhone

Young, Deirdre R

From: Rachel Jacobson <rachel_jacobson@ios.doi.gov>
Sent: Friday, October 11, 2013 7:40 PM
To: Jon_Jarvis@nps.gov
Subject: Fw: Fwd: Pending Concessions Requests

From: Haugrud, Kevin [mailto:jack.haugrud@sol.doi.gov]
Sent: Friday, October 11, 2013 04:22 PM
To: Nicole Buffa <nicole_buffa@ios.doi.gov>
Cc: Maureen Foster <maureen_foster@nps.gov>; Margaret O'Dell <peggy_o'dell@nps.gov>; Jon Jarvis <Jon_Jarvis@nps.gov>; Rachel Jacobson <rachel_jacobson@ios.doi.gov>; Barry Roth <barry.roth@sol.doi.gov>; Ted Boling <Ted.Boling@sol.doi.gov>
Subject: Fwd: Pending Concessions Requests

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
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

Young, Deirdre R

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.

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
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

Young, Deirdre R

From: Rachel Jacobson <rachel_jacobson@ios.doi.gov>
Sent: Friday, October 11, 2013 7:36 PM
To: Jon_Jarvis@nps.gov
Cc: peggy_o'dell@nps.gov
Subject: Fw: Fwd: Pending Concessions Requests

From: McDowall, Lena [mailto:lena_mcdowall@nps.gov]
Sent: Friday, October 11, 2013 04:17 PM
To: Kevin Haugrud <jack.haugrud@sol.doi.gov>
Cc: Rachel Jacobson <rachel_jacobson@ios.doi.gov>
Subject: Fwd: Pending Concessions Requests

One change. We'd like to act on Wawona Hotel and Grocery Store at YOSE as well.

----- 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. Ones we would like to act on immediately are starred:

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*
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Yosemite NP - Wawona Hotel and Grocery Store*

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Young, Deirdre R

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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: 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.

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Lena

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

Young, Deirdre R

From: Haugrud, Kevin <jack.haugrud@sol.doi.gov>
Sent: Friday, October 11, 2013 7:25 PM
To: Nicole Buffa
Cc: Maureen Foster; Margaret O'Dell; Jon Jarvis; Rachel Jacobson; Barry Roth; Ted Boling
Subject: Re: Pending Concessions Requests

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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.

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Lena

--

Lena McDowall

Associate Director, Business Services

Ph: (202) 208-5651

Cell: (202) 641-1814

Email: Lena_McDowall@nps.gov

Young, Deirdre R

From: Rachel Jacobson <rachel_jacobson@ios.doi.gov>
Sent: Friday, October 11, 2013 7:24 PM
To: jack.haugrud@sol.doi.gov; nicole_buffa@ios.doi.gov
Cc: Maureen_Foster@nps.gov; peggy_o'dell@nps.gov; Jon_Jarvis@nps.gov; barry.roth@sol.doi.gov; Ted.Boling@sol.doi.gov
Subject: Re: Fwd: Pending Concessions Requests

Good news. Am with Nikki now.

From: Haugrud, Kevin [mailto:jack.haugrud@sol.doi.gov]
Sent: Friday, October 11, 2013 04:22 PM
To: Nicole Buffa <nicole_buffa@ios.doi.gov>
Cc: Maureen Foster <maureen_foster@nps.gov>; Margaret O'Dell <peggy_o'dell@nps.gov>; Jon Jarvis <Jon_Jarvis@nps.gov>; Rachel Jacobson <rachel_jacobson@ios.doi.gov>; Barry Roth <barry.roth@sol.doi.gov>; Ted Boling <Ted.Boling@sol.doi.gov>
Subject: Fwd: Pending Concessions Requests

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Lena

--

Lena McDowall

Associate Director, Business Services

Ph: (202) 208-5651

Cell: (202) 641-1814

Email: Lena_McDowall@nps.gov

Young, Deirdre R

From: Haugrud, Kevin <jack.haugrud@sol.doi.gov>
Sent: Friday, October 11, 2013 7:23 PM
To: Nicole Buffa
Cc: Maureen Foster; Margaret O'Dell; Jon Jarvis; Rachel Jacobson; Barry Roth; Ted Boling
Subject: Fwd: Pending Concessions Requests

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.

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Lena

--

Lena McDowall
Associate Director, Business Services
Ph: (202) 208-5651
Cell: (202) 641-1814

Email: Lena_McDowall@nps.gov

Young, Deirdre R

From: Jarvis, Jonathan <jon_jarvis@nps.gov>
Sent: Friday, October 11, 2013 1:18 PM
To: **Secret** @ios.doi.gov; Laura Davis; Sarah Neimeyer; Nicole Buffa; Rachel Jacobson
Subject: Fwd: Cliff House

I called Robert back in Pelosi's office and told him we are working on the policy and hope to get it approved today and it would apply to Cliff House. He wants a call back today if we get it done.

We now have requests from the following states:

Arizona
Tennessee
Missouri
Puerto Rico
Florida
Maine
Virginia
South Dakota
Utah (done)
Colorado (near done)
New York

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

From: Foster, Maureen <maureen_foster@nps.gov>
Date: Fri, Oct 11, 2013 at 12:49 PM
Subject: Fwd: Cliff House
To: Jon Jarvis <Jon_Jarvis@nps.gov>

Here you go.

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: **Edmonson, Robert** <Robert.Edmonson@mail.house.gov>

Date: Fri, Oct 11, 2013 at 12:47 PM

Subject: Cliff House

To: "Maureen_Foster@nps.gov" <Maureen_Foster@nps.gov>

Please give me a call

Robert Edmonson

Chief of Staff | Congresswoman Nancy Pelosi

235 Cannon HOB | 202-225-0100

--

Jonathan B. Jarvis
Director, NPS

Young, Deirdre R

From: Foster, Maureen <maureen_foster@nps.gov>
Sent: Friday, October 11, 2013 12:50 PM
To: Jon Jarvis
Subject: Fwd: Cliff House

Here you go.

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: Edmonson, Robert <Robert.Edmonson@mail.house.gov>
Date: Fri, Oct 11, 2013 at 12:47 PM
Subject: Cliff House
To: "Maureen_Foster@nps.gov" <Maureen_Foster@nps.gov>

Please give me a call

Robert Edmonson

Chief of Staff | Congresswoman Nancy Pelosi

235 Cannon HOB | 202-225-0100

Young, Deirdre R

From: Lena McDowall <lena_mcdowall@nps.gov>
Sent: Thursday, October 10, 2013 2:38 PM
To: Jonathan Jarvis
Subject: Fwd: Prep for Jon Talking to NPHA Members This Week

Sent from my iPhone

Begin forwarded message:

From: Derrick Crandall <dcrandall@funoutdoors.com>
Date: October 9, 2013, 7:22:07 PM EDT
To: "McDowall, Lena" <lena_mcdowall@nps.gov>
Subject: RE: Prep for Jon Talking to NPHA Members This Week

Thank you for your time. As we agreed at the start of our conversation, I wanted to be open and candid with you so that we could help Friday's conversation be productive and reflecting the strong partnership between NPHA and NPS. I'd really like to continue to have an ability to share ideas with you in the spirit of creative thinking and a commitment to win/wins as our outcome.

We talked about four things:

- 1) The Pisgah situation and its implications for similar concessioner operations.
- 2) Our actions seeking Congressional action to remove parks from the status as political pawns on the grounds of economic damage to companies and communities and the lost experiences of millions of Americans and visitors.
- 3) The Friday call, and our plans to begin the conversation with a review of the economic harm done, to listen to Jon and then to offer up our requested actions to address the damages in an appropriate way that also is cost effective and which helps us transition to new paradigms, including less time- and dollar-consuming processes.
- 4) And we need to rebuild our commitment to partnership for the Centennial and beyond – which relies on the blueprint set out in the **A Call to Action** emphasizing new organizational nimbleness and partnership-based actions. Part of this commitment is reliant upon using the shutdown as a teachable moment to bring about changes in communications and authorities which come into play if another shutdown should occur soon.

As we discussed, we think two systemic actions are the right approach:

- 1) Automatic contract extensions of one year to temper the unexpected and adverse economic consequences of the shutdown to concessioners, and the ability of concessioners to seek alternative assistance from NPS in lieu of the extension which might include: (1) franchise fee reductions; (2) use of franchise fee payments for promotion efforts; and (3) expedited consideration of additional appropriate services and operating seasons which would increase concessioner revenues beginning January 1, 2014, and continue for the duration of existing contracts.
- 2) A systemwide determination to allow competitive market declaration for all services and goods offered by concessioners between October 1, 2013, and October 1, 2014.

Both reduce burdens on both NPS and NPHA members. Both pass the straight face test easily. I think we can find widespread and bipartisan support for both.

I agree that it is not reasonable to expect Jon to make a decisions during our call. I do think it is reasonable for him to commit to review of our "asks" and to come back with a decision, including any alternatives of tweaks, within a reasonable time.

Please keep me informed on Pisgah and your conversations with Jon. I have a meeting with senior NPHA leaders tomorrow at 11 AM. I will tell them we talked but not reveal details of our conversation. I will alert them to the potential that the Secretary may engage in this effort. I would offer that I can be helpful in making any Secretary/concessioner discussions productive by sharing information on relationships and third rails.

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*

From: McDowall, Lena [mailto:lena_mcdowall@nps.gov]
Sent: Wednesday, October 09, 2013 3:25 PM
To: Derrick Crandall
Subject: Re: Prep for Jon Talking to NPHA Members This Week

Derrick -

Got your message that you were hopping on a call with Craig. I'm around until a 4pm meeting. The 4pm meeting will likely last until around 5:30/6 at which time I'll be available to talk again.

Thanks,

--Lena

On Wed, Oct 9, 2013 at 2:08 PM, Derrick Crandall <dcrandall@funoutdoors.com> wrote:
Still here. Jon is planning to be with NPHA members on Friday at 11 am. Very fluid situation out there with important developments at Pisgah, in SD, in McLean, in LA and much more. Think we need to leapfrog some of the current furor and get the focus back on why folks love parks and what we need to do to sustain our wonderful legacy.

Look forward to our call.

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*

From: McDowall, Lena [mailto:lena_mcdowall@nps.gov]
Sent: Wednesday, October 09, 2013 10:14 AM
To: Derrick Crandall
Subject: Re: Prep for Jon Talking to NPHA Members This Week

Derrick-

I'll give you a call as soon as I'm out of my meeting.

--Lena

On Wed, Oct 9, 2013 at 9:11 AM, Derrick Crandall <dcrandall@funoutdoors.com> wrote:
Just realized that you may not be getting emails ... just resent this to see if I could track that.

Derrick

From: Derrick Crandall
Sent: Tuesday, October 08, 2013 7:07 PM
To: Lena McDowall (Lena_McDowall@nps.gov); Ben Erichsen (John_Erichsen@nps.gov)
Subject: Prep for Jon Talking to NPHA Members This Week
Importance: High

Jon and I have had some useful exchanges of ideas this week, and Jon has asked to be part of one of the NPHA phone calls we are holding to talk strategy and action.

In advance of this call, I thought it might be a good idea for us to talk about some of the ideas that might arise – either from Jon to demonstrate empathy or from concessioners, asking for help from NPS.

Available to talk tomorrow by phone or in person – over coffee or otherwise.

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
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--

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

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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: Derrick Crandall <dcrandall@funoutdoors.com>
Sent: Wednesday, October 09, 2013 3:53 PM
To: Jon Jarvis (Jon_Jarvis@nps.gov); 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)
Subject: Concessioners Boosting Actions to End Shutdown
Attachments: Government Shutdown Impacts Millions of Park Visitors.pdf

Busy day. I know it is for you, as well. Major story coming in LA Times and lots of talk-show focus on Pisgah Inn, South Dakota, Cliff House and more. We have issued a news release outlining the impacts of the shutdown on our members and the gateway communities – and the visitors, American and international alike, denied treasured experiences. On that we can all agree. And that underscores the need for action by the Congress and the White House.

We need to get this behind us, learn some lessons and take actions, and then get back to focusing on the post-2016 strategy. Delivering this message actively.

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

NEWS



Contact: *Derrick Crandall 202-682-9530*
dcrandall@funoutdoors.com

Date: **October 9, 2013**

Government Shutdown Impacts Millions of Park Visitors and Thousands of Non-federal Employees

Collective impact on businesses serving park visitors, their employees and local communities near parks is massive and will have lasting consequences.

Washington, D.C. (October 9, 2013) – More than 700,000 visitors who normally visit 401 national park units across the nation every day in October – from Acadia National Park in Maine to Hawaii Volcanoes National Park on the Big Island – are finding locked gates and barricades due to the shutdown of the federal government. Many of these visits involve long-planned travel and events.

The shutdown has special consequences for many communities. In much of the northern portion of the U.S., fall foliage sparks peak visitation. Acadia National Park and Shenandoah National Park are among the units closed, resulting in major adverse consequences for nearby communities. According to the National Park Service (NPS), visitors to America's national parks spend \$76 million per day in and near parks. This spending supports tens of thousands of jobs and generates millions of dollars daily in state and local sales and lodging taxes. And the shutdown also has a significant impact on the National Park Service's budget. Closure of the parks is costing the agency an estimated \$500,000 daily in entrance and recreation fees, fees normally retained at park units to support visitor experiences. Hundreds of thousands of dollars of additional park income paid daily by park concessioners from sales of lodging, food and more – also retained by local park units to fund maintenance of facilities tragically and historically underfunded under general appropriations – are being lost.

"In national parks, concessioners are losing an estimated \$5 million per day and are being forced to lay off thousands of employees," according to Derrick Crandall, Counselor to the National Park Hospitality Association (NPHA). "They face large new expenses of contacting guests with reservations for the next month to cancel those

(more)

1200 G Street, N.W. ● Suite 650 ● Washington, DC 20005 ● 202-682-9530

Government Shutdown Impacts Millions of Park Visitors Add One, October 9, 2013

reservations and of processing refunds. They are dealing with angry guests. This weekend alone, there will be 300-400 weddings long-planned that are either canceled or moved to another, less desirable venue. They are working with businesses that had planned to bring hundreds of busloads of international guests to the parks. They are managing hundreds of young people, whom they need as employees if they are to reopen, but who are either going unpaid or on sharply reduced hours. Plus these young people are being told by NPS to not go for hikes or use the parks in any way.

According to the NPHA, many of the closures are needless and ignore the essential mission of the National Park Service. "The 1916 organic act requires NPS 'to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same.' We don't believe anything in the law leading to the shutdown overrides or supersedes this directive. It merely prohibits expenditures of federal funds to accomplish this goal," said Crandall.

Across the nation, states and communities and concessioners and nonprofit organizations that support parks have proposed plans to provide limited access to national parks, stepping in to take on roles traditionally played by NPS staff. At the Grand Canyon, offers of about \$1 million have already been made by local and state governments and businesses in the area. Coalitions supporting other high-visitation sites like the Statue of Liberty and Alcatraz also have expressed interest in temporary arrangements that would fill in for federal employees. These temporary arrangements might actually create sustainable-partnership models to pursue as the NPS investigates new ways to meet its important mission by better leveraging federal appropriations.

"Sequestration was a dumb action. The shutdown is a dumb action. We'd like to be partners in demonstrating some smart actions," said Crandall. "That would be a great way to prepare for another century of national park operation."

About National Park Hospitality Association

National park concessioners provide lodging, food services, gifts and souvenirs, equipment rentals, transportation and other visitor services in more than 100 national park units across the United States. They have provided this support for more than 100 years. Their combined sales exceed \$1 billion annually. They pay more than \$100 million in franchise fees to the National Park Service every year. Concessioners include small businesses providing guide services as well as large companies operating lodges. They meet the needs of some 100 million park visitors annually and employ 25,000 people.

Editor/Producer Note: Derrick Crandall, Counselor to the National Park Hospitality Association (NPHA), is available for interview to discuss government shutdown impacts on national parks.

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Young, Deirdre R

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>

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

(b) (5)

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

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

Ted Boling
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----- 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>

(b) (5)

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

--
Jonathan B. Jarvis
Director, NPS

--
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

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--

Jonathan B. Jarvis
Director, NPS

Young, Deirdre R

From: Rachel Jacobson <rachel_jacobson@ios.doi.gov>
Sent: Wednesday, October 09, 2013 1:06 PM
To: barry.roth@sol.doi.gov
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]
Sent: Wednesday, October 09, 2013 10:03 AM
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

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.

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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

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.

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On Wed, Oct 9, 2013 at 10:02 AM, Lackey, Melissa <melissa.lackey@sol.doi.gov> wrote:

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Melissa Lackey

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Young, Deirdre R

From: Roth, Barry <barry.roth@sol.doi.gov>
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

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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>

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Sent: Wednesday, October 09, 2013 11:43 AM

To: Taylor, Paul (USANCW)

Cc: Lackey, Melissa; Edward Boling

Subject: Re: Agreement

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From: Roth, Barry [mailto:barry.roth@sol.doi.gov]
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Cc: Taylor, Paul (USANCW); Edward Boling
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Young, Deirdre R

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)

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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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you are hereby notified that its dissemination, distribution, copying or use of this email is strictly prohibited. If you received this email in error, please notify the sender immediately and destroy all copies.

On 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 #)

(b) (6) (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.

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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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Please send those as soon as you can.

Paul

Paul B. Taylor

Assistant U. S. Attorney

Civil Chief

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Asheville, NC 28801

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(b) (6) (PBT direct dial)

Young, Deirdre R

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
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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

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Jonathan B. Jarvis
Director, NPS

Young, Deirdre R

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Sent: Wednesday, October 09, 2013 12:49 PM
To: Kevin Haugrud; Edward Boling; Jonathan Jarvis; O'Dell, Peggy; Rachel Jacobson; Michael Bean; Melissa Lackey
Subject: Fwd: Agreement
Attachments: Pisgah letter -- fpb edits.docx

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Bruce and Lena, the AUSA and DPW are fine with this letter with time being of the essence.

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(b) (6) (PBT direct dial)

(b) (5)

(b) (5)

Young, Deirdre R

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Wednesday, October 09, 2013 9:29 AM
To: Kelly, Katherine
Cc: Jon Jarvis; Peggy O'Dell; Maureen Foster; Lena McDowall; Cam Sholly; Barry Roth; Edward Boling; Lisa Mendelson; Jennifer Mummart; Bruce Sheaffer; Mike Litterst; Blake Androff
Subject: Re: quick review - claude moore and pisgah

Edits from Lena and Bruce

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.

(b) (5)

On background:

(b) (5)

On Tue, Oct 8, 2013 at 7:42 PM, Kelly, Katherine <kate_kelly@ios.doi.gov> wrote:
Here is the updated SOL-approved version:

(b) (5)

(b) (5)

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

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

--

Sue Waldron
Assistant Director, Communications
National Park Service
(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

--

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Kate Kelly
Director of Communications
Department of the Interior

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

--
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EXPERIENCE YOUR AMERICA

Young, Deirdre R

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

sitting in here with lena - a few things



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

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

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

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

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

To: Katherine Kelly <kate_kelly@ios.doi.gov>

Cc: Jack Haugrud <jack.haugrud@sol.doi.gov>, Barry Roth <BARRY.ROTH@sol.doi.gov>

(b) (5)

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

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

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

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

Ted.Boling@sol.doi.gov

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From: **Kelly, Katherine** <kate_kelly@ios.doi.gov>

Date: Tue, Oct 8, 2013 at 7:00 PM

Subject: updated - for review

To: "Haugrud, Jack" <jack.haugrud@sol.doi.gov>, Ted Boling <Ted.Boling@sol.doi.gov>

Cc: "Androff, Blake J" <Blake_Androff@ios.doi.gov>, laura davis <Laura_Davis@ios.doi.gov>, Nicole Buffa <nicole_buffa@ios.doi.gov>



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

--
Jonathan B. Jarvis
Director, NPS

--

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

Young, Deirdre R

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

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

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

EXPERIENCE YOUR AMERICA
The National Park Service cares for special places
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so that all may experience our heritage.

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



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202-208-4344
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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>

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



(b) (5)

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

--
Jonathan B. Jarvis
Director, NPS

Young, Deirdre R

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

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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>



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
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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>



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

—
Jonathan B. Jarvis
Director, NPS

Young, Deirdre R

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

looks good

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>

(b) (5)

(b) (5)

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Date: Tue, Oct 8, 2013 at 7:00 PM
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Cc: "Androff, Blake J" <Blake_Androff@ios.doi.gov>, laura davis <Laura_Davis@ios.doi.gov>, Nicole Buffa <nicole_buffa@ios.doi.gov>

(b) (5)

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--
Kate Kelly
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kate_kelly@ios.doi.gov

--
Jonathan B. Jarvis
Director, NPS

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

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

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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>

(b) (5)

(b) (5)

Ted Boling
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Washington, DC 20240
202-208-4423 (main)
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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
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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: **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>

(b) (5)

(b) (5)

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

--
Jonathan B. Jarvis
Director, NPS

(b) (5)



Young, Deirdre R

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

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

Sent from my iPhone

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

(b) (5)

A large black rectangular redaction box covering the majority of the text in this section.

Sent from my iPhone

On Oct 8, 2013, at 8:50 PM, Margaret O'Dell <peggy_o'dell@nps.gov> wrote:

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

Sent from my iPhone

On Oct 8, 2013, at 7:42 PM, "Kelly, Katherine" <kate_kelly@ios.doi.gov> wrote:

Here is the updated SOL-approved version:

A large black rectangular redaction box containing the text "(b) (5)" in large, bold, red font.

(b) (5)

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

leaving!

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

--

Sue Waldron
Assistant Director, Communications
National Park Service
(202) 208-3046
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(202) 208 2409
kate_kelly@ios.doi.gov

Young, Deirdre R

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

(b) (5)

A large black rectangular redaction box covering several lines of text.

Sent from my iPhone

On Oct 8, 2013, at 8:50 PM, Margaret O'Dell <peggy_o'dell@nps.gov> wrote:

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Sent from my iPhone

On Oct 8, 2013, at 7:42 PM, "Kelly, Katherine" <kate_kelly@ios.doi.gov> wrote:

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

leaving!

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

--

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

Young, Deirdre R

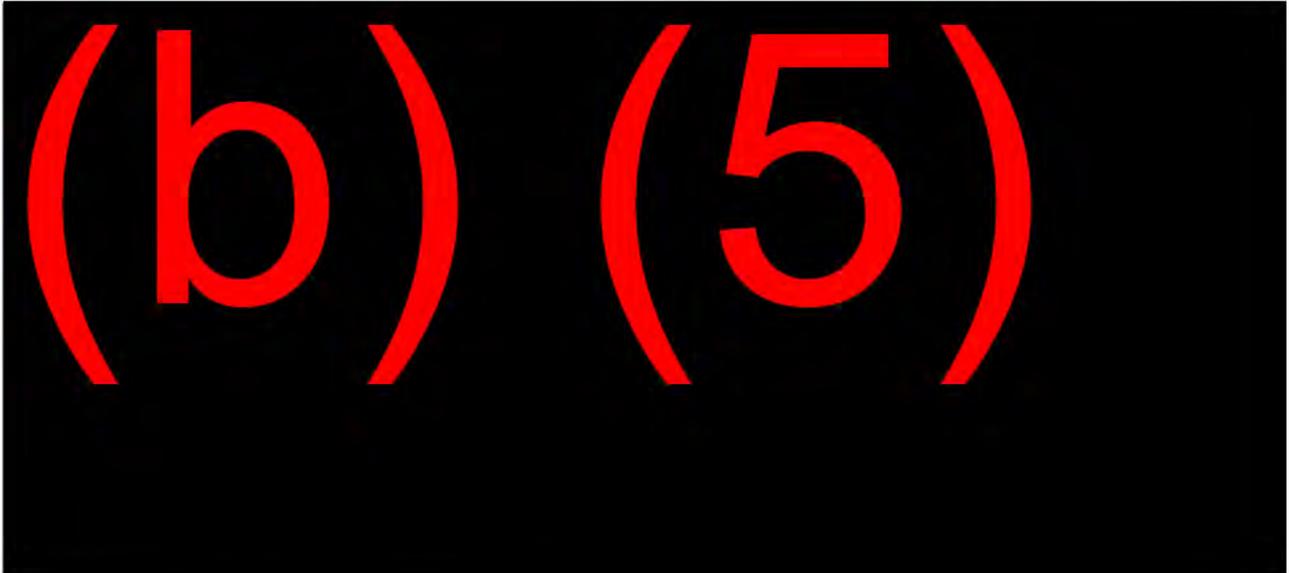
From: Margaret O'Dell <peggy_o'dell@nps.gov>
Sent: Tuesday, October 08, 2013 8:51 PM
To: Kelly, Katherine
Cc: Waldron, Suzanne; Jon Jarvis; Maureen Foster; Lena McDowall; Cam Sholly; Barry Roth; Edward Boling; Lisa Mendelson; Jennifer Mummart; Bruce Sheaffer; Mike Litterst; Blake Androff
Subject: Re: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

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Sent from my iPhone

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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

Young, Deirdre R

From: Margaret O'Dell <peggy_o'dell@nps.gov>
Sent: Tuesday, October 08, 2013 8:48 PM
To: Jon Jarvis; Maureen Foster
Subject: Fwd: Claude Moore

FYI

Sent from my iPhone

Begin forwarded message:

From: Lisa Mendelson <lisa_mendelson-ielmini@nps.gov>
Date: October 8, 2013, 7:17:51 PM EDT
To: "Peggy O'Dell" <Peggy_O'Dell@nps.gov>
Cc: Maureen Foster <Maureen_Foster@nps.gov>
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

Young, Deirdre R

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

Here is the updated SOL-approved version:



On Tuesday, October 8, 2013, Waldron, Suzanne wrote:

ignore this - another version under review by sol which is revising - so guess we will reconnect tomorrow leaving!

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

--
Sue Waldron
Assistant Director, Communications
National Park Service
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Kate Kelly
Director of Communications
Department of the Interior
(202) 208 2409
kate_kelly@ios.doi.gov

Young, Deirdre R

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

(b) (5)

Sent from my iPhone

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

Here is what Jack and Ted gave back to Kate.

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

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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>

(b) (5)

(b) (5)

Ted Boling
Deputy Solicitor -- Parks & Wildlife
U.S Department of the Interior
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Washington, DC 20240
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202-208-5584 (fax)
Ted.Boling@sol.doi.gov

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

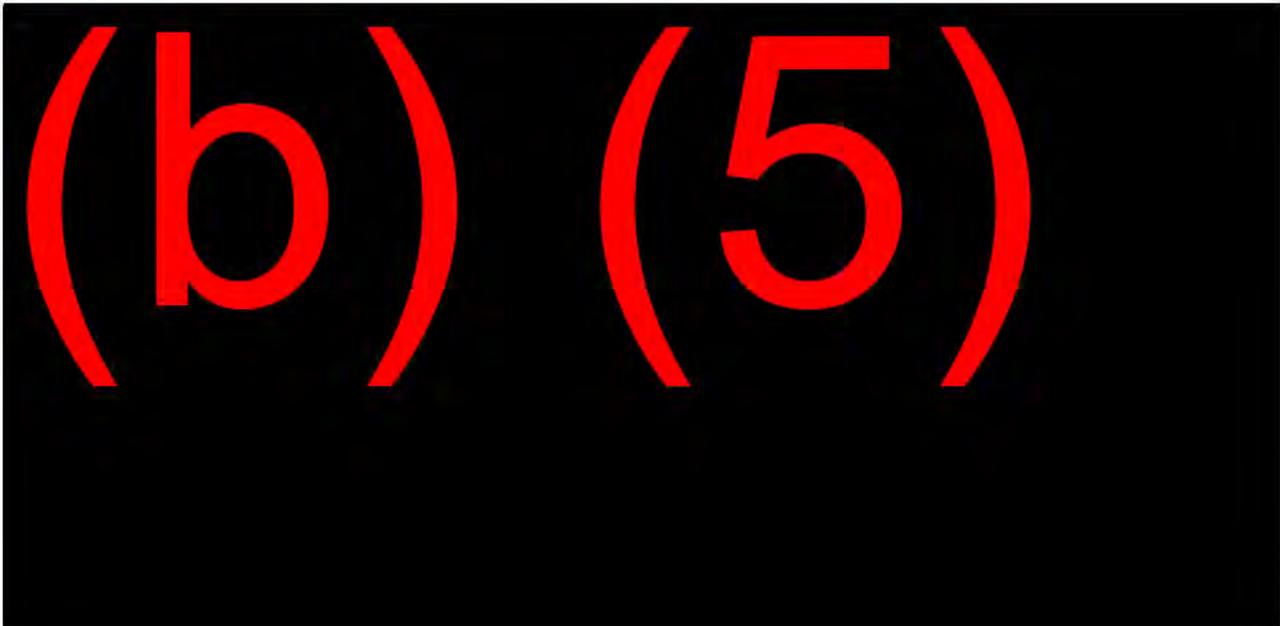
From: **Boling, Edward** <ted.boling@sol.doi.gov>
Date: Tue, Oct 8, 2013 at 7:14 PM
Subject: Fwd: updated - for review
To: Jack Haugrud <jack.haugrud@sol.doi.gov>

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Ted.Boling@sol.doi.gov

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

(b) (5)



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

Young, Deirdre R

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

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

(b) (5)

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Cc: "Androff, Blake J" <Blake_Androff@ios.doi.gov>, laura davis <Laura_Davis@ios.doi.gov>, Nicole Buffa <nicole_buffa@ios.doi.gov>



(b) (5)

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

Young, Deirdre R

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: 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
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Young, Deirdre R

From: Foster, Maureen <maureen_foster@nps.gov>
Sent: Tuesday, October 08, 2013 4:09 PM
To: Jon Jarvis; Peggy O'Dell; Lisa Mendelson; Sue Waldron; Lena McDowall; Bruce Sheaffer
Subject: Fwd: Claude Moore Colonial Farm closure
Attachments: Claude Moore Colonial Farm.doc; Claude Moore Colonial Farm second letter.doc

FYI

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

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From: Neimeyer, Sarah <sarah_neimeyer@ios.doi.gov>
Date: Tue, Oct 8, 2013 at 4:01 PM
Subject: Fwd: Claude Moore Colonial Farm closure
To: Maureen Foster <maureen_foster@nps.gov>
Cc: Katherine Kelly <Kate_Kelly@ios.doi.gov>, Laura Davis <laura_davis@ios.doi.gov>, Kevin Haugrud <jack.haugrud@sol.doi.gov>

FYI. Additional info from Rep. Young's staff.

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

From: Newman, Bruce <bruce.newman@mail.house.gov>
Date: Tue, Oct 8, 2013 at 3:45 PM
Subject: Claude Moore Colonial Farm closure
To: "sarah_neimeyer@ios.doi.gov" <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 1980-81 was 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 CMCNews which brought an avalanche of inquiries from the media. There have been phone interviews with media outlets from across the country and the UK, online and print articles and last night a very favorable piece done by Fox 5 who made a trip to the Farm yesterday. We spent a very enjoyable afternoon today with Griff Jenkins and his cameraman Martin from Fox National News which will be on the Greta Van Susteren show tonight at 10 pm. It was fun because the cameraman knew the Farm as he brought his children all the time when they were younger.

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

Young, Deirdre R

From: Maureen Foster <maureen_foster@nps.gov>
Sent: Tuesday, October 08, 2013 7:14 AM
To: Jon Jarvis
Subject: Fwd: Claude Moore Colonial Farm

Some more info.

Maureen D. Foster
National Park Service
202.208.5970

Begin forwarded message:

From: Lisa Mendelson <lisa_mendelson-ielmini@nps.gov>
Date: October 8, 2013, 5:36:58 AM EDT
To: Maureen Foster <Maureen_Foster@nps.gov>
Subject: Fwd: Claude Moore Colonial Farm

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

Begin forwarded message:

From: "Romero, Alex" <alex_romero@nps.gov>
Date: October 7, 2013, 10:33:13 PM EDT
To: Lisa Mendelson <lisa_mendelson-ielmini@nps.gov>
Subject: Fwd: Claude Moore Colonial Farm

FYI.

----- Forwarded message -----
From: **Anna Eberly**
Date: Monday, October 7, 2013
Subject: Claude Moore Colonial Farm
To: "Romero, Alex" <alex_romero@nps.gov>
Cc: Phillip Zane <phillip.zane@geyergorey.com>

Hi Alex,

It was nice to hear from you this evening and sorry for the confusion about the press conference. When you said there was one scheduled at the Farm tomorrow I got all excited as I thought the NPS was going to announce the grand reopening of the Farm. As I said to you, we certainly haven't heard a word that a Congressman has scheduled an event here tomorrow but we are alas, usually the last to hear. And as I promised if I hear anything you'll certainly be getting a call.

I had a phone call this evening from the Farm's attorney, Phillip Zane. He has been in contact with Kimberly Fondren of the Office of the Solicitor of the Department of the Interior regarding the decision of the National Park Service to order the Farm closed. Ms. Fondren told our attorney this morning that you would contact either Mr. Zane or the Farm today, October 7, regarding reopening the Farm. Specifically we need to know immediately whether you have rescinded the order to close the Farm or, if not, the specific reasons the Park Service believes the Farm must be closed and the authority for closing it. If the Park Service does not rescind its decision by the middle of this week, the Farm will have to take immediate steps to ensure its financial survival. Mr. Zane and I look forward to hearing from you Tuesday morning. His number is 202-644-8731.

Thanks so much for your help.

Anna Eberly
Managing Director

--

Thank you,

Alexcy Romero
Acting Superintendent
George Washington Memorial Parkway

Young, Deirdre R

From: Maureen Foster <maureen_foster@nps.gov>
Sent: Tuesday, October 08, 2013 7:13 AM
To: Jon Jarvis
Subject: Claude Moore

Jon -- if you have any more details about the protest today, would you please share them with Lisa? When Alec Romero called the partner, she said that she knew nothing about it.

Maureen D. Foster
National Park Service
202.208.5970

Young, Deirdre R

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

Young, Deirdre R

From: Foster, Maureen <maureen_foster@nps.gov>
Sent: Monday, October 07, 2013 5:26 PM
To: Jon Jarvis
Subject: Fwd: Claude Moore Farm Budget Memo.PDF
Attachments: Claude Moore Farm Budget Memo.PDF

Letter to Claude Moore but I don't see the date -- asking Lisa to check.

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: Lisa Mendelson <lisa_mendelson-ielmini@nps.gov>
Date: Mon, Oct 7, 2013 at 5:17 PM
Subject: Claude Moore Farm Budget Memo.PDF
To: Maureen Foster <Maureen_Foster@nps.gov>
Cc: NCR SHUTDOWN CONTACTS 10 1 2013 <lisa_mendelson-ielmini@nps.gov>



United States Department of the Interior

NATIONAL PARK SERVICE
George Washington Memorial Parkway
c/o Turkey Run Park
McLean, Virginia 22101

IN REPLY REFER TO:
A4400 (GWMP)

Ms. Anna Eberly
Managing Director
Claude Moore Colonial Farm at Turkey Run
6310 Georgetown Pike
McLean, VA 22101

Dear Ms. Eberly,

The George Washington Memorial Parkway (GWMP) is party to a 1981 Agreement with Claude Moore Colonial Farm (CMF). This Agreement has been amended seven times since the original Agreement was signed. In general, the Agreement provides for GWMP to support CMF operations in return for the interpretive/educational services provided by CMF.

Amendment 7 to the Agreement, signed in 2001, established an annual award to be provided to CMF by GWMP. The amendment notes the annual award is "NOT TO EXCEED \$100,000", and that "any award beyond [FY2001] is subject to the availability of funds." Since 2001, GWMP has provided CMF the full \$100,000 award every fiscal year.

The base funding for GWMP has been on a gradual 2% decline during the past five years, and, due to sequestration, seen a reduction of 6% in FY2013. This steady budget decline has caused serious impacts to park operations, including reductions in routine maintenance, visitor services, and facility management. Thus, for FY2013, GWMP will reduce the amount provided to CMF by a similar 6%, resulting in an annual award of \$94,000 for FY2013 with the understanding CMF will provide the supporting fiscal request documentation and forms as well as the annual visitation information for the Service-wide Interpretive Report.

The FY2014 budget for GWMP is anticipated to be reduced even further, and base funding must be reserved to serve essential park operations and visitor safety. At this point in time, we do not foresee GWMP providing any award to CMF in the FY2014 budget.

This memorandum is to serve as notice that no GWMP funds are expected to be available in FY2014 to provide an award to CMF. Should funds become available in future fiscal years, we would consider restoring funding to previous levels once essential GWMP operational needs are met.

Sincerely,


Alexcy Romero
Acting Superintendent

Attached: 1981 Agreement and subsequent amendments

cc:

Ms. Margaret Vanderhye, President, Friends of Claude Moore Colonial Farm at Turkey Run
Mr. Stephen E. Whitesell, Regional Director
Congressman James P. Moran
Congressman Frank R. Wolf

Young, Deirdre R

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
Attachments: image001.jpg

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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attorney-client privileged.

If you are not the intended recipient, please notify Haas & Najarian immediately by telephone at (415) 788-6330 or by e-mail to email@haasnaja.com and destroy all copies of this message and any attachments.

--

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

Young, Deirdre R

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,



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

Young, Deirdre R

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: image001.jpg; 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



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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If you are not the intended recipient, please notify Haas & Najarian immediately by telephone at (415) 788-6330 or by e-mail to email@haasnaja.com and destroy all copies of this message and any attachments.

October 4, 2013

T 415.788.6330
F 415.391.0555

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.

October 4, 2013

Attn: Lena McDowall

Page: 2

- 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.

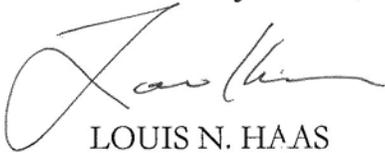
² Actually, if you check with GGNRA senior contract personnel, you will discover that Louis' requires more Park oversight and management than The Cliff House (which requires virtually none on a regular basis).

October 4, 2013
Attn: Lena McDowall
Page: 3

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

Young, Deirdre R

From: Margaret O'Dell <peggy_o'dell@nps.gov>
Sent: Saturday, October 05, 2013 1:42 PM
To: Jon Jarvis; Laura Davis
Subject: Blue Ridge Parkway

Bus load of supporters have shown up to support Concession operation.
Not sure of status right now but some level of problem likely.
Sent from my iPhone

Young, Deirdre R

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

On Fri, Oct 4, 2013 at 1:27 PM, Suzanne Waldron <sue_waldron@nps.gov> wrote:

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

On Fri, Oct 4, 2013 at 8:23 AM, Waldron, Suzanne <sue_waldron@nps.gov> wrote:
bill - asked lena to look at these - not sure they are still needed - less said better 0- but just in case

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

From: McDowall, Lena <lena_mcdowall@nps.gov>
Date: Thu, Oct 3, 2013 at 5:52 PM
Subject: Re: Pisgah Inn
To: "Waldron, Suzanne" <sue_waldron@nps.gov>

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

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

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

From: **William Reynolds** <william_f_reynolds@nps.gov>
Date: Thu, Oct 3, 2013 at 2:18 PM
Subject: Re: Pisgah Inn
To: Sue_Waldron@nps.gov

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 Bengel <shawn_benge@nps.gov>
Cc: Maureen Foster <maureen_foster@nps.gov>; Lena McDowall <Lena_McDowall@nps.gov>; Mike Litterst <Mike_Litterst@nps.gov>
Subject: Re: Pisgah Inn

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

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

Sent from my iPhone

Begin forwarded message:

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

Hi Karen,

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

Thanks!

Colleen

Colleen Jenkins
Correspondent, U.S. General News

Reuters

Thomson Reuters

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

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Sue Waldron
Assistant Director, Communications
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--

Lena McDowall

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

--

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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

--

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Young, Deirdre R

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

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

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

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

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

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

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

From: **William Reynolds** <william_f_reynolds@nps.gov>
Date: Thu, Oct 3, 2013 at 2:18 PM
Subject: Re: Pisgah Inn

To: Sue_Waldron@nps.gov

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 Bengé <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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Lena McDowall
Associate Director, Business Services
Ph: (202) 208-5651
Cell: (202) 641-1814

Email: Lena_McDowall@nps.gov

--

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Assistant Director, Communications
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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

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>
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
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 9:37 AM, Waldron, Suzanne <sue_waldron@nps.gov> wrote:
can someone attach the latest draft, please

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

(b) (5)

How does that sound to everyone?

Sue and Mike, please feel free to weigh in!

On Thu, Oct 3, 2013 at 9:12 AM, Stinnett, Steve <steve_stinnett@nps.gov> wrote:
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
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 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
Blue Ridge Parkway
199 Hemphill Knob Rd
Asheville, NC 28803
828/348-3426 (O)
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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
828/348-3426 (O)
828/271-4118 (F)
(b) (6), (b) (7)(C)(C)

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

(b) (5)

Hope to have the talking points to you shortly.
Bill

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

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

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

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

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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

--

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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Young, Deirdre R

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

Pisgah inn defiance of closure is citing ww2 memorial as precedent

Sue Waldron
Assistant Director, Communications
National Park Service

Sent from my iPad

Begin forwarded message:

From: William Reynolds <william_f_reynolds@nps.gov>
Date: October 2, 2013, 8:00:40 PM EDT
To: Sue_Waldron@nps.gov
Cc: steve_stinnett@nps.gov, shawn_benge@nps.gov,
david_horne@nps.gov, mike_litterst@nps.gov
Subject: Re: Media Contact, Asheville Citizen Times Re: Asheville Citizen Times

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

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

Can we see the tpts?

Sent from my iPhone

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

Thanks, Steve! Looping in WASO

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

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

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

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

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

Steve Stinnett
Chief Ranger
Blue Ridge Parkway
199 Hemphill Knob Rd
Asheville, NC 28803
828/348-3426 (O)
828/271-4118 (F)
(b) (6), (b) (7)(C) (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 Bengé <shawn_benge@nps.gov>

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

copy

Steve Stinnett
Chief Ranger
Blue Ridge Parkway

199 Hemphill Knob Rd
Asheville, NC 28803
828/348-3426 (O)
828/271-4118 (F)
(b) (6), (b) (7)(C) (C)

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

(b) (5)

Hope to have the talking points to you shortly.
Bill

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

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

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

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: 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
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(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>

Young, Deirdre R

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

Dear Fellow travelers:

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.

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--

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

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

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

16 USC SUBCHAPTER LXXXVI—GOLDEN GATE NATIONAL RECREATION AREA §460bb-3

Administration (f) Certain rental proceeds; crediting; management contract

Notwithstanding any other provisions of law, in the administration of those parcels of property known as Haslett Warehouse, Cliff House Properties and Louis' Restaurant, the Secretary...may, if he deems appropriate, enter into a contract for the management (including rental or lease) of said properties with such terms and conditions as will protect the Government's interest, with excess funds being used as set forth above.

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

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



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



Young, Deirdre R

From: Lackey, Melissa <melissa.lackey@sol.doi.gov>
Sent: Friday, October 25, 2013 12:12 PM
To: Bruce Sheaffer
Subject: Attorney's Fees re Pisgah Inn litigation

Bruce:



If possible, could you let me know this afternoon?

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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Young, Deirdre R

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

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

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

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

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

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

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

"We continue to review our contingency plan for consistency with the Anti-Deficiency Act and applicable federal guidance. In our discretion, we determined that X could be operated consistent with federal law."

How's that?

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

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

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

On Thu, Oct 10, 2013 at 2:30 PM, Kelly, Katherine <kate_kelly@ios.doi.gov> wrote:
Please hold til we get those back.

--

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

--

Sue Waldron
Assistant Director, Communications
National Park Service
(202) 208-3046
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Kate Kelly
Director of Communications
Department of the Interior
(202) 208 2409
kate_kelly@ios.doi.gov

--

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

--

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: Foster, Maureen <maureen_foster@nps.gov>
Sent: Wednesday, October 09, 2013 8:57 PM
To: Peggy O'Dell; Lena McDowall; Bruce Sheaffer
Subject: Fwd: Final Draft Ltrs to Commercial Airboat Tour Operators

FYI

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

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so that all may experience our heritage.

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

From: Barry Roth <barry.roth@sol.doi.gov>
Date: Wed, Oct 9, 2013 at 6:09 PM
Subject: Fwd: Final Draft Ltrs to Commercial Airboat Tour Operators
To: Cam Sholly <Cam_Sholly@nps.gov>, Maureen Foster <Maureen_Foster@nps.gov>

I don't have a good rationale for this length of time to stop this commercial activity. It requires WASO approval/decision. A heads up.

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

Sent from my iPhone

Begin forwarded message:

From: Barry Roth <barry.roth@sol.doi.gov>
Date: October 9, 2013, 4:56:43 PM EDT
To: "Kimball, Dan" <dan_kimball@nps.gov>
Cc: Shawn Benge <shawn_benge@nps.gov>, Gordon Wissinger <Gordon_Wissinger@nps.gov>, Jonathan Pierce <jonathan_pierce@nps.gov>, David Horne <david_horne@nps.gov>, Sherri Fields <Sherri_Fields@nps.gov>, Michael Stevens <mike.stevens@sol.doi.gov>, William Reynolds <william_j_reynolds@nps.gov>, Allen

Etheridge <allen_s_etheridge@nps.gov>, Robert Gantt <Robert_Gantt@nps.gov>
Subject: Re: Final Draft Ltrs to Commercial Airboat Tour Operators

Someone needs to have WASO approve the delay in delivery and cutoff of Sunday.

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

Sent from my iPhone

On Oct 9, 2013, at 4:41 PM, "Kimball, Dan" <dan_kimball@nps.gov> wrote:

Barry, et al:

Please find attached final drafts of letters to the four commercial airboat tour operators in EVER; they're the same except the letter to Gary Matthews since he does not own land in the Park.

We plan to hand-deliver these letters to the operators late afternoon Fri Oct 11. I also plan to call each operator mid-day Fri to let them know that these letters are coming.

Please let me know if you have any final comments/edits re these letters.

Thanks, Dan

PS Allen Etheridge (Acting Chief Ranger), Bruce Gantt (LE Specialist), and I plan to meet at 9A Thurs to discuss details/next steps associated with this matter. If you would to participate via conf call, please call:

Non-responsive

--

Dan B. Kimball, Superintendent
Everglades & Dry Tortugas National Parks &
Marjory Stoneman Douglas Wilderness
National Park Service, US Department of the Interior

40001 State Road 9336
Homestead, FL 33034-6733
Office: 305-242-7712; Cell: 305-322-6311
FAX 305-242-7711; dan_kimball@nps.gov

Everglades National Park was designated as a World Heritage Site in 1979; an International Biosphere Reserve in 1976; & a Wetland of International Importance in 1987; Everglades & Dry Tortugas National Parks were designated as Specially Protected Areas under the Cartagena Convention in 2012.

- <EVER - Ltr to Richard Farace 10-11-2013.doc>
- <EVER - Ltr to Jesse Kennon 10-11-2013.doc>
- <EVER - Ltr to John Weisberg 10-11-2013.doc>
- <EVER - Ltr to Gary Matthews 10-11-2013.doc>

Young, Deirdre R

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

Updates?

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

Sent from my iPhone

--

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

Young, Deirdre R

From: Waldron, Suzanne <sue_waldron@nps.gov>
Sent: Wednesday, October 09, 2013 3:52 PM
To: Lena McDowall; Bruce Sheaffer
Subject: Fwd: COURT ORDER re Langley Forks Park
Attachments: Complaint.pdf; TRO Motion.pdf; Affidavit supporting TRO motion.pdf; Order.pdf

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

From: **Androff, Blake** <blake_androff@ios.doi.gov>
Date: Wed, Oct 9, 2013 at 3:18 PM
Subject: Re: COURT ORDER re Langley Forks Park
To: Barry Roth <barry.roth@sol.doi.gov>
Cc: Suzanne Waldron <Sue_Waldron@nps.gov>, Cam Sholly <Cam_Sholly@nps.gov>, Maureen Foster <Maureen_Foster@nps.gov>, Nicole Buffa <Nicole_buffa@ios.doi.gov>, Katherine Kelly <Kate_Kelly@ios.doi.gov>

+others

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

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

Sent from my iPhone

Begin forwarded message:

From: "Myers, Randolph" <randolph.myers@sol.doi.gov>
To: Kim Fondren <kim.fondren@sol.doi.gov>, Barry Roth <BARRY.ROTH@sol.doi.gov>, Edward Boling <ted.boling@sol.doi.gov>
Subject: Fwd: COURT ORDER re Langley Forks Park

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor
DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
Randolph.Myers@sol.doi.gov

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

From: Wetzler, Lauren (USAVAE) <Lauren.Wetzler@usdoj.gov>

Date: Wed, Oct 9, 2013 at 3:06 PM

Subject: COURT ORDER re Langley Forks Park

To: "Alex_Romero@NPS.gov" <Alex_Romero@nps.gov>

Cc: "Randolph J. Myers (Randolph.Myers@sol.doi.gov)" <Randolph.Myers@sol.doi.gov>

Alex,

Rosie Haney gave me your contact information. I just learned that, in response to a motion for a temporary injunction (TRO), one of our district judges has ORDERED the National Park Service to do as follows:

1) that Defendant shall immediately rescind the closure order of October 1, 2013, as to Langley Forks Park in Fairfax County, Virginia; 2) that Defendant shall order the Fairfax County Park Authority to open Langley Forks Park to the public immediately and return the Langley Forks Park to its normal hours of operation and Order the Fairfax County Park Authority to honor the permit it has entered into legally; 3) that no bond shall be required and the filing fee of the complaint be waived for good cause; 4) that a hearing for the preliminary injunction be scheduled for October 18, 2013, at 10:00 a.m.

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

Thanks,
Lauren

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

--

Blake Androff

Deputy Director of Communications

U.S. Department of the Interior

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--

Sue Waldron

Assistant Director, Communications

National Park Service

(202) 208-3046

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FILED

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

Alexandria Division

2013 OCT 9 9 51 AM 1:13 CV 1257

U.S. DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

MCLEAN YOUTH ATHLETICS and)
MCLEAN YOUTH LACROSSE)
)
Plaintiffs)

v.)

CIVIL ACTION

1:13CV1257
LDG/JFA

UNITED STATES DEPARTMENT)
OF INTERIOR NATIONAL PARK)
SERVICE)
)
Defendant)

COMPLAINT

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

JURISDICTION

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

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

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

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

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

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

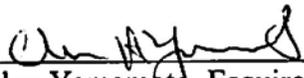
The United States Department of Interior National Park Service has acted arbitrarily and capriciously in ordering this park closed when it has no real interest therein and bears no expense in its operation.

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

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

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

MCLEAN YOUTH ATHLETICS
MCLEAN YOUTH LACROSSE



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

FILED

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

Alexandria Division

10 OCT -9 P 1:25

U.S. DISTRICT COURT
ALEXANDRIA, VIRGINIA

MCLEAN YOUTH ATHLETICS and)
MCLEAN YOUTH LACROSSE)

Plaintiffs)

v.)

CIVIL ACTION 1:13cv1257
LOG/JFA

UNITED STATES DEPARTMENT)
OF INTERIOR NATIONAL PARK)
SERVICE)

Defendant)

MOTION FOR TEMPORARY RESTRAINING ORDER

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

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

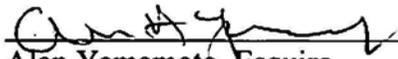
Plaintiffs have demonstrated they are entitled to a temporary restraining order under Fed. R. Civ. Proc. 65 and controlling law under *Baines v. City of Danville, Va.*, 337 F.2d 579, 598 (4th Cir. 1964) and *Hoechst Diafoil Co. v. Nan Ya Plastics Corp.*, 174 F.3d 411, 422 (4th Cir. 1999)

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

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

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

MCLEAN YOUTH ATHLETICS
MCLEAN YOUTH LACROSSE



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

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

Alexandria Division

MCLEAN YOUTH ATHLETICS and)
MCLEAN YOUTH LACROSSE)
)
Plaintiffs)

v.)

CIVIL ACTION 1:13cv1257
LO6/JFA

UNITED STATES DEPARTMENT)
OF INTERIOR NATIONAL PARK)
SERVICE)
)
Defendant)

DECLARATION

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

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

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

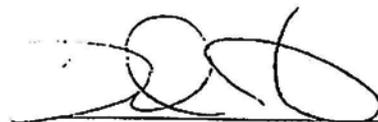
4. Langley Forks Park sits on federal property and is controlled by the United States Department of Interior National Park Service. The United States government has turned over the management and administration of Langley Forks Park to Fairfax County Park Authority.

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

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

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

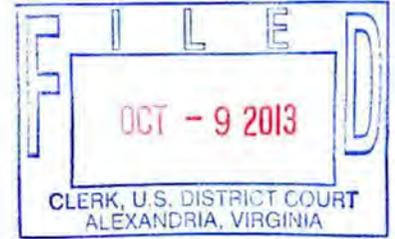
I declare under penalty of perjury that this declaration is true to the best of my belief.



David Morris

Date: October 8, 2013

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



Alexandria Division

MCLEAN YOUTH ATHLETICS and)
MCLEAN YOUTH LACROSSE)

Plaintiffs)

v.)

CIVIL ACTION 1-13CV1257
LO61JFA

UNITED STATES DEPARTMENT)
OF INTERIOR NATIONAL PARK)
SERVICE)

Defendant)

ORDER

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

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

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

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

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

Therefore it is ORDERED:

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

to Langley Forks Park in Fairfax County, Virginia.

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

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

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

Entered: October 9, 2013 at 1:40 pm

/s/ 

Liam O'Grady
United States District Judge

Young, Deirdre R

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

this is good

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

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.

(b) (5)

On background:

(b) (5)

On Tue, Oct 8, 2013 at 7:42 PM, Kelly, Katherine <kate_kelly@ios.doi.gov> wrote:
Here is the updated SOL-approved version:

(b) (5)

(b) (5)

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

On Tue, Oct 8, 2013 at 6:59 PM, Waldron, Suzanne <suc_waldron@nps.gov> wrote:
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

--
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Director of Communications

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

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EXPERIENCE YOUR AMERICA

--

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

Young, Deirdre R

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

sitting in here with lena - a few things



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

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

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

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

To: Katherine Kelly <kate_kelly@ios.doi.gov>

Cc: Jack Haugrud <jack.haugrud@sol.doi.gov>, Barry Roth <BARRY.ROTH@sol.doi.gov>

(b) (5)

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

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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>

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Ted.Boling@sol.doi.gov

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From: **Kelly, Katherine** <kate_kelly@ios.doi.gov>

Date: Tue, Oct 8, 2013 at 7:00 PM

Subject: updated - for review

To: "Haugrud, Jack" <jack.haugrud@sol.doi.gov>, Ted Boling <Ted.Boling@sol.doi.gov>

Cc: "Androff, Blake J" <Blake_Androff@ios.doi.gov>, Laura Davis <Laura_Davis@ios.doi.gov>, Nicole Buffa <nicole_buffa@ios.doi.gov>



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

--
Jonathan B. Jarvis
Director, NPS

--

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

Young, Deirdre R

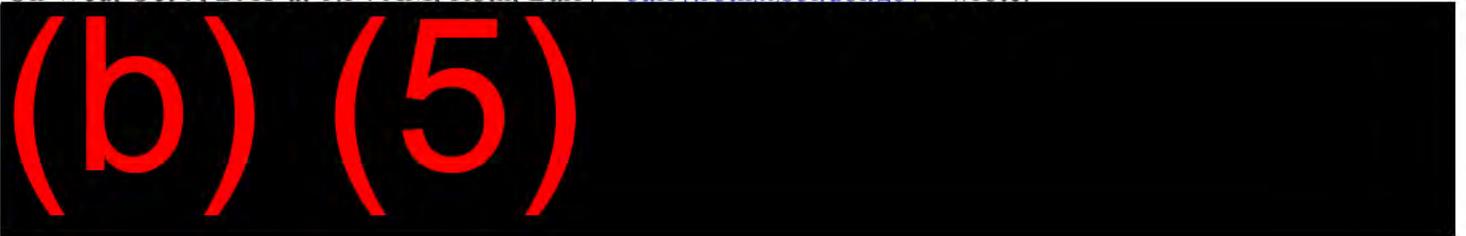
From: Foster, Maureen <maureen_foster@nps.gov>
Sent: Wednesday, October 09, 2013 8:58 AM
To: Roth, Barry
Cc: Jarvis, Jonathan; Ted Boling; Waldron, Suzanne; McDowall, Lena; Sheaffer, C. B.; O'Dell, Peggy
Subject: Re: updated - for review

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

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

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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:



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 7:26 PM, Roth, Barry <barry.roth@sol.doi.gov> wrote:

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

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From: **Boling, Edward** <ted.boling@sol.doi.gov>

Date: Tue, Oct 8, 2013 at 7:23 PM

Subject: Fwd: updated - for review

To: Katherine Kelly <kate_kelly@ios.doi.gov>

Cc: Jack Haugrud <jack.haugrud@sol.doi.gov>, Barry Roth <BARRY.ROTH@sol.doi.gov>

(b) (5)

Ted Boling

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



(b) (5)

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

--
Jonathan B. Jarvis
Director, NPS

Young, Deirdre R

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

(b) (5)

Barry N. Roth
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202-208-4344
Fax: 202-208-3877
Barry.Roth@sol.doi.gov

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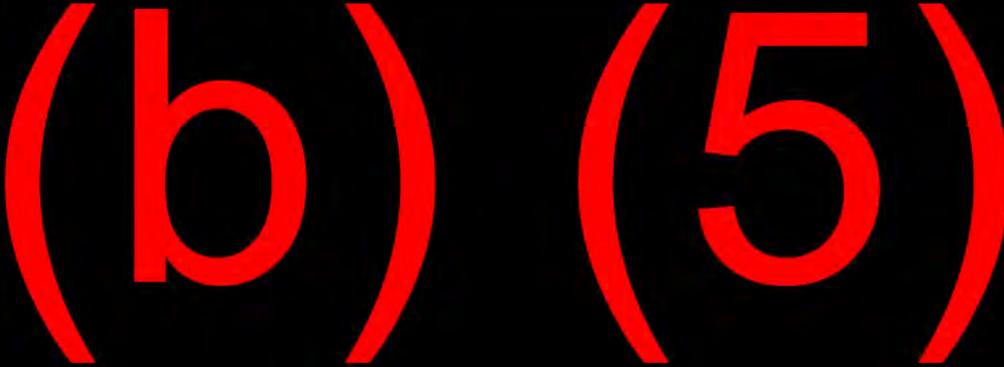
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Date: Tue, Oct 8, 2013 at 7:23 PM

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To: Katherine Kelly <kate_kelly@ios.doi.gov>

Cc: Jack Haugrud <jack.haugrud@sol.doi.gov>, Barry Roth <BARRY.ROTH@sol.doi.gov>



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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>



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

—
Jonathan B. Jarvis
Director, NPS

Young, Deirdre R

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

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

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

Hi;

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

GRTE

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

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

GLCA

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

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

Cooperating Associations

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

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

Young, Deirdre R

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

(b) (5)



Sent from my iPhone

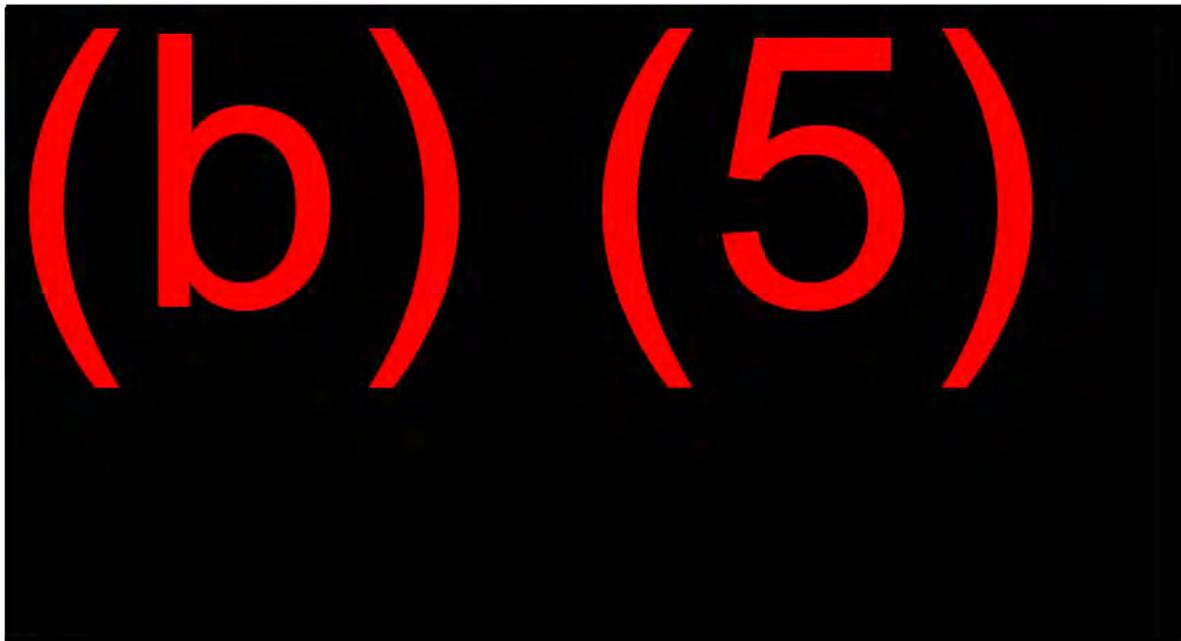
On Oct 8, 2013, at 8:50 PM, Margaret O'Dell <peggy_o'dell@nps.gov> wrote:

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

Sent from my iPhone

On Oct 8, 2013, at 7:42 PM, "Kelly, Katherine" <kate_kelly@ios.doi.gov> wrote:

Here is the updated SOL-approved version:



On Tuesday, October 8, 2013, Waldron, Suzanne wrote:
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wrote:
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Young, Deirdre R

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

Here is what Jack and Ted gave back to Kate.

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

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



Ted Boling
Deputy Solicitor -- Parks & Wildlife
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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>



(b) (5)

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

Young, Deirdre R

From: McDowall, Lena <lena_mcdowall@nps.gov>
Sent: Monday, October 07, 2013 6:06 PM
To: Lackey, Melissa; Shawn Bengé
Cc: Roth, Barry; Sheaffer, C. B.; Foster, Maureen; Edward Boling
Subject: Re: Weber and Parkway Inn, Inc. v. Woods and Nat'l Park Service`

Melissa -

I don't have the park contact info, but I'e copied Shawn Bengé in SER. He should have the contact numbers.

Thanks,

Lena

On Mon, Oct 7, 2013 at 5:49 PM, Lackey, Melissa <melissa.lackey@sol.doi.gov> wrote:
I just left a voicemail for Paul Taylor offering my assistance. I will also send him an email. In the meantime I will start working on an Answer that he may be able to use. Can someone at NPS send me phone numbers for someone at the Park who may be called as a witness in Asheville?

Melissa Lackey

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

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

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On Mon, Oct 7, 2013 at 5:33 PM, Roth, Barry <barry.roth@sol.doi.gov> wrote:
ATTORNEY CLIENT; ATTORNEY WORK PRODUCT

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

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

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

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

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

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

Mary Grace,

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

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

appreciate whatever support you can expedite for this TRO, which, in my estimation, likely will be set for hearing in U.S. District Court in the next day or two.

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

Thank you,
Jim Sullivan

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

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--

Marigrace Caminiti

Executive Assistant to the Solicitor

US Department of the Interior

1849 C Street, NW, Rm. 6415

Washington, DC 20240

202-208-3111 - direct

202-208-5584 - fax

(b) (6) or 202-359-2949 -cell/wcell

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

Young, Deirdre R

From: Lackey, Melissa <melissa.lackey@sol.doi.gov>
Sent: Monday, October 07, 2013 5:49 PM
To: Roth, Barry
Cc: McDowall, Lena; Sheaffer, C. B.; Foster, Maureen; Edward Boling
Subject: Re: Weber and Parkway Inn, Inc. v. Woods and Nat'l Park Service`

I just left a voicemail for Paul Taylor offering my assistance. I will also send him an email. In the meantime I will start working on an Answer that he may be able to use. Can someone at NPS send me phone numbers for someone at the Park who may be called as a witness in Asheville?

Melissa Lackey

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

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

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On Mon, Oct 7, 2013 at 5:33 PM, Roth, Barry <barry.roth@sol.doi.gov> wrote:
ATTORNEY CLIENT; ATTORNEY WORK PRODUCT

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

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

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

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

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

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

Mary Grace,

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

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

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

Thank you,
Jim Sullivan

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

Executive Assistant to the Solicitor

US Department of the Interior

1849 C Street, NW, Rm. 6415

Washington, DC 20240

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**Young, Deirdre R**

---

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

Lena/All:

(b) (5)

**Melissa Lackey**

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

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

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On Mon, Oct 7, 2013 at 3:00 PM, Roth, Barry <[barry.roth@sol.doi.gov](mailto:barry.roth@sol.doi.gov)> wrote:  
Is this more what you had in mind. We could also add the first criteria of the Department's policy on contracting which is that if it requires the expenditure of funds for supervision, the contract must be suspended.

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

Fax: 202-208-3877

[Barry.Roth@sol.doi.gov](mailto:Barry.Roth@sol.doi.gov)

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(b) (5)

(b) (5)

## Young, Deirdre R

---

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

Is this more what you had in mind. We could also add the first criteria of the Department's policy on contracting which is that if it requires the expenditure of funds for supervision, the contract must be suspended.

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

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(b) (5)

(b) (5)

Young, Deirdre R

---

**From:** Roth, Barry <barry.roth@sol.doi.gov>  
**Sent:** Monday, October 07, 2013 12:28 PM  
**To:** Sheaffer, C. B.; McDowall, Lena  
**Subject:** Enabling provision

(b) (5)

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

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## Young, Deirdre R

---

**From:** Patricia Neubacher <patty\_neubacher@nps.gov>  
**Sent:** Monday, October 07, 2013 6:38 AM  
**To:** Bruce\_Sheaffer@nps.gov  
**Subject:** Fw: URGENT- Quick phone call Monday morning?

Noticed you weren't copied

----- Original Message -----

**From:** Francis Dean [mailto:frank\_dean@nps.gov]  
**Sent:** Sunday, October 06, 2013 11:28 PM  
**To:** jon\_jarvis@nps.gov <jon\_jarvis@nps.gov>; peggy\_o'dell@nps.gov <peggy\_o'dell@nps.gov>  
**Cc:** lena\_mcdowall@nps.gov <lena\_mcdowall@nps.gov>; patty\_neubacher@nps.gov <patty\_neubacher@nps.gov>  
**Subject:** URGENT- Quick phone call Monday morning?

Hello Jon and Peggy,

A large black rectangular redaction box covers the middle of the page. Inside the box, the text "(b) (5)" is written in a large, bold, red font. The parentheses are also red and appear to be part of the redaction code.

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

## Young, Deirdre R

---

**From:** Patricia Neubacher <patty\_neubacher@nps.gov>  
**Sent:** Monday, October 07, 2013 6:37 AM  
**To:** Scott\_Wanek@nps.gov; craig\_dalby@nps.gov; Bruce\_Sheaffer@nps.gov  
**Subject:** Fw: The Cliff House---NPS Shutdown Order  
**Attachments:** image001.jpg; McDowall ltr 10-4-13.pdf

---

**From:** Francis Dean [mailto:[frank\\_dean@nps.gov](mailto:frank_dean@nps.gov)]  
**Sent:** Sunday, October 06, 2013 11:12 PM  
**To:** [lena\\_mcdowall@nps.gov](mailto:lena_mcdowall@nps.gov) <[lena\\_mcdowall@nps.gov](mailto:lena_mcdowall@nps.gov)>  
**Cc:** [patty\\_neubacher@nps.gov](mailto:patty_neubacher@nps.gov) <[patty\\_neubacher@nps.gov](mailto:patty_neubacher@nps.gov)>; [peggy\\_o'dell@nps.gov](mailto:peggy_o'dell@nps.gov) <[peggy\\_o'dell@nps.gov](mailto:peggy_o'dell@nps.gov)>;  
[jon\\_jarvis@nps.gov](mailto:jon_jarvis@nps.gov) <[jon\\_jarvis@nps.gov](mailto:jon_jarvis@nps.gov)>  
**Subject:** Fw: The Cliff House---NPS Shutdown Order

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](mailto:LHaas@hnattorneys.com)]  
**Sent:** Friday, October 04, 2013 05:47 PM  
**To:** Frank Dean <[frank\\_dean@nps.gov](mailto: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](mailto: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](mailto:lmabie@hnattorneys.com)  
-----

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If you are not the intended recipient, please notify Haas & Najarian immediately by telephone at (415) 788-6330 or by e-mail to [email@haasnaja.com](mailto:email@haasnaja.com) and destroy all copies of this message and any attachments.

October 4, 2013

T 415.788.6330  
F 415.391.0555

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.<sup>1</sup>

<sup>1</sup> 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.

October 4, 2013

Attn: Lena McDowall

Page: 2

- 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.<sup>2</sup> 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.

---

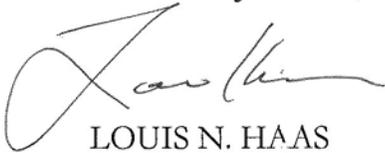
<sup>2</sup> Actually, if you check with GGNRA senior contract personnel, you will discover that Louis' requires more Park oversight and management than The Cliff House (which requires virtually none on a regular basis).

October 4, 2013  
Attn: Lena McDowall  
Page: 3

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

**Young, Deirdre R**

---

**From:** Haze, Pam <pam\_haze@ios.doi.gov>  
**Sent:** Friday, October 04, 2013 4:15 PM  
**To:** Sheaffer, Bruce  
**Subject:** Re: Questions for Follow Up on NPS

I think it is good. Should I send to craig?

On Fri, Oct 4, 2013 at 11:19 AM, Sheaffer, Bruce <[bruce\\_sheaffer@nps.gov](mailto:bruce_sheaffer@nps.gov)> wrote:  
this is ok, but may be hard for Craig to follow.. and Im sure will be difficult for others to follow..

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

**From:** Roth, Barry <[barry.roth@sol.doi.gov](mailto:barry.roth@sol.doi.gov)>  
**Date:** Fri, Oct 4, 2013 at 8:09 AM  
**Subject:** Re: Questions for Follow Up on NPS  
**To:** "Sheaffer, Bruce" <[bruce\\_sheaffer@nps.gov](mailto:bruce_sheaffer@nps.gov)>, Edward Boling <[ted.boling@sol.doi.gov](mailto:ted.boling@sol.doi.gov)>, Pam Haze <[pam\\_haze@ios.doi.gov](mailto:pam_haze@ios.doi.gov)>

If we need to say something in this regard, we suggest the following:



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

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you are hereby notified that its dissemination, distribution, copying or use of this email is strictly prohibited. If you received this email in error, please notify the sender immediately and destroy all copies.

On Thu, Oct 3, 2013 at 5:39 PM, Sheaffer, Bruce <[bruce\\_sheaffer@nps.gov](mailto:bruce_sheaffer@nps.gov)> wrote:

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

From: **Haze, Pam** <[pam\\_haze@ios.doi.gov](mailto:pam_haze@ios.doi.gov)>  
Date: Thu, Oct 3, 2013 at 5:13 PM  
Subject: Fwd: Questions for Follow Up on NPS  
To: Bruce Sheaffer <[Bruce\\_Sheaffer@nps.gov](mailto:Bruce_Sheaffer@nps.gov)>

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

From: **Crutchfield, Craig** <[Craig\\_Crutchfield@](mailto:Craig_Crutchfield@)**(b) (6)**>  
Date: Thu, Oct 3, 2013 at 4:22 PM  
Subject: RE: Questions for Follow Up on NPS  
To: Pam Haze <[pam\\_haze@ios.doi.gov](mailto:pam_haze@ios.doi.gov)>, "Moss, Adrienne" <[adrienne\\_moss@ios.doi.gov](mailto:adrienne_moss@ios.doi.gov)>  
Cc: Denise Flanagan <[Denise\\_Flanagan@ios.doi.gov](mailto:Denise_Flanagan@ios.doi.gov)>, "Hoef, Jennifer E." <[Jennifer\\_E\\_Hoef@](mailto:Jennifer_E_Hoef@)**(b) (6)**>, "Burnett, Ben" <[Benjamin\\_Burnett@](mailto:Benjamin_Burnett@)**(b) (6)**>

Here's one thought to strengthen the argument, although I would like to know what the Solicitor's Office thinks.

**(b) (5)**

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**From:** Crutchfield, Craig  
**Sent:** Thursday, October 03, 2013 3:41 PM  
**To:** 'Pam Haze'; Moss, Adrienne  
**Cc:** Denise Flanagan; Hoef, Jennifer E.; Burnett, Ben  
**Subject:** RE: Questions for Follow Up on NPS

**(b) (5)**

(b) (5)

---

**From:** Pam Haze [[mailto:pam\\_haze@ios.doi.gov](mailto:pam_haze@ios.doi.gov)]  
**Sent:** Thursday, October 03, 2013 3:27 PM  
**To:** Moss, Adrienne  
**Cc:** Crutchfield, Craig; Denise Flanagan; Hoef, Jennifer E.; Burnett, Ben  
**Subject:** Re: Questions for Follow Up on NPS

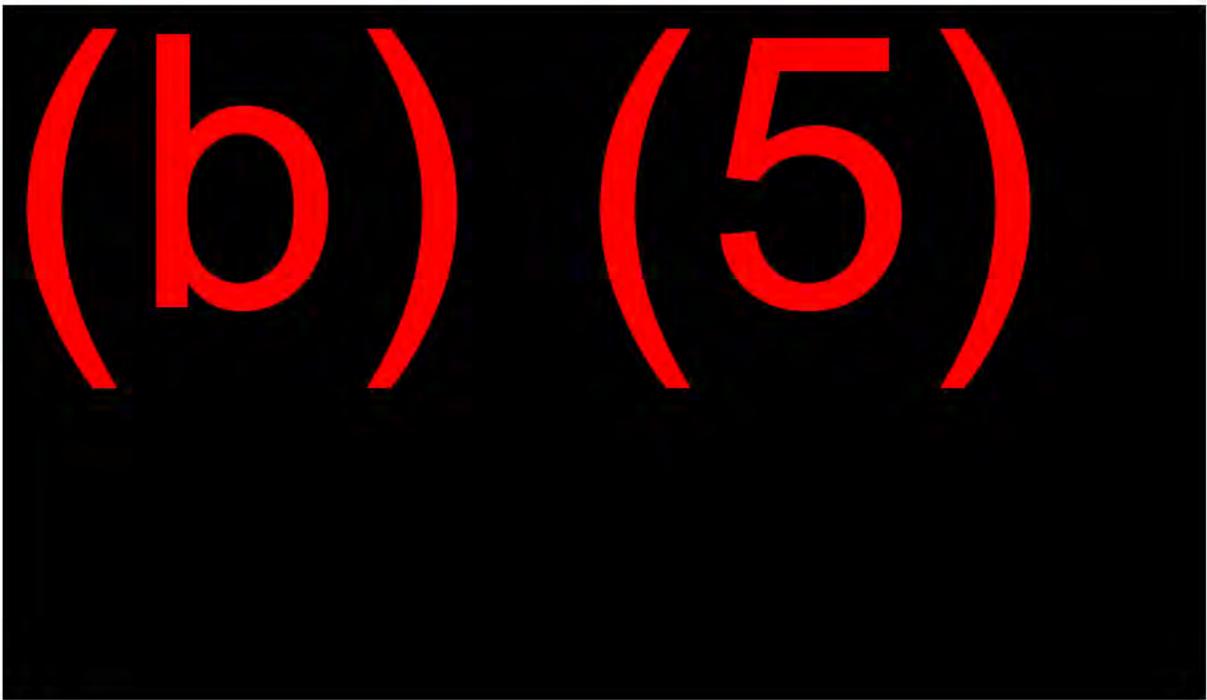
Important to know that Solicitor is comfortable with these views on concessions and donations. On claude moore and individual park issues a standard answer is okay as a starting point but now further review is needed. We believe our plan is broad enough to support interpretation for each of these instances and we will let you know as we have further information on individual instances.

Sent from my iPhone

On Oct 3, 2013, at 3:19 PM, "Moss, Adrienne" <[adrienne\\_moss@ios.doi.gov](mailto:adrienne_moss@ios.doi.gov)> wrote:

Craig,

(b) (5)



--  
C. Bruce Sheaffer  
Comptroller  
National Park Service  
202-208-4566  
[bruce\\_sheaffer@nps.gov](mailto:bruce_sheaffer@nps.gov)

--  
C. Bruce Sheaffer  
Comptroller  
National Park Service  
202-208-4566  
[bruce\\_sheaffer@nps.gov](mailto:bruce_sheaffer@nps.gov)

**Young, Deirdre R**

---

**From:** Neubacher, Patricia <patty\_neubacher@nps.gov>  
**Sent:** Friday, October 04, 2013 12:40 PM  
**To:** McDowall, Lena  
**Cc:** Frank Dean; Scott Wanek; Aaron Roth; Bruce Sheaffer; Craig Dalby; Barry Roth  
**Subject:** Re: Draft Cliff House Response Letter

Thanks for your help Lena! We truly appreciate it.

On Fri, Oct 4, 2013 at 9:39 AM, McDowall, Lena <[lena\\_mcdowall@nps.gov](mailto:lena_mcdowall@nps.gov)> wrote:  
All-

(b) (5)

Thanks,

Lena

On Fri, Oct 4, 2013 at 11:41 AM, Frank Dean <[frank\\_dean@nps.gov](mailto:frank_dean@nps.gov)> wrote:

(b) (5)

On Oct 4, 2013, at 8:22 AM, "Neubacher, Patricia" <[patty\\_neubacher@nps.gov](mailto:patty_neubacher@nps.gov)> wrote:

(b) (5)

On Fri, Oct 4, 2013 at 8:17 AM, Francis Dean <[frank\\_dean@nps.gov](mailto:frank_dean@nps.gov)> wrote:

(b) (5)

Thanks,

Frank Dean  
General Superintendent  
Golden Gate  
National Recreation Area  
San Francisco, CA 94123

(415) 561-4720

---

**From:** Neubacher, Patricia [mailto:[patty\\_neubacher@nps.gov](mailto:patty_neubacher@nps.gov)]

**Sent:** Friday, October 04, 2013 07:35 AM

**To:** Wanek, Scott <[scott\\_wanek@nps.gov](mailto:scott_wanek@nps.gov)>

**Cc:** McDowall, Lena <[lena\\_mcdowall@nps.gov](mailto:lena_mcdowall@nps.gov)>; Frank Dean <[frank\\_dean@nps.gov](mailto:frank_dean@nps.gov)>; Aaron Roth <[aaron\\_roth@nps.gov](mailto:aaron_roth@nps.gov)>; Bruce Sheaffer <[Bruce\\_Sheaffer@nps.gov](mailto:Bruce_Sheaffer@nps.gov)>; Craig Dalby <[craig\\_dalby@nps.gov](mailto:craig_dalby@nps.gov)>

**Subject:** Re: Draft Cliff House Response Letter

(b) (5)

On Fri, Oct 4, 2013 at 7:01 AM, Wanek, Scott <[scott\\_wanek@nps.gov](mailto:scott_wanek@nps.gov)> wrote:  
A couple of quick observations:

(b) (5)

Scott

On Fri, Oct 4, 2013 at 6:46 AM, McDowall, Lena <[lena\\_mcdowall@nps.gov](mailto:lena_mcdowall@nps.gov)> wrote:

(b) (5)

--

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

--

Scott Wanek  
Regional Chief Ranger  
Pacific West Region  
415-623-2180 office  
510-501-0459 cell  
415-623-2189 fax  
[VRP Sharepoint Site](#)

--

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

**Young, Deirdre R**

---

**From:** McDowall, Lena <lena\_mcdowall@nps.gov>  
**Sent:** Friday, October 04, 2013 12:39 PM  
**To:** Frank Dean  
**Cc:** Neubacher, Patricia; Scott Wanek; Aaron Roth; Bruce Sheaffer; Craig Dalby; Barry Roth  
**Subject:** Re: Draft Cliff House Response Letter  
**Attachments:** Cliff House Letter\_v2\_10.04.13.docx; Natl Park System Closure Determination and Notice 2013-10-01.pdf

All-

(b) (5)

Thanks,

Lena

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(b) (5)

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(b) (5)

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

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**From:** Neubacher, Patricia [mailto:[patty\\_neubacher@nps.gov](mailto:patty_neubacher@nps.gov)]

**Sent:** Friday, October 04, 2013 07:35 AM

**To:** Wanek, Scott <[scott\\_wanek@nps.gov](mailto:scott_wanek@nps.gov)>

**Cc:** McDowall, Lena <[lena\\_mcdowall@nps.gov](mailto:lena_mcdowall@nps.gov)>; Frank Dean <[frank\\_dean@nps.gov](mailto:frank_dean@nps.gov)>; Aaron Roth <[aaron\\_roth@nps.gov](mailto:aaron_roth@nps.gov)>; Bruce Sheaffer <[Bruce\\_Sheaffer@nps.gov](mailto:Bruce_Sheaffer@nps.gov)>; Craig Dalby <[craig\\_dalby@nps.gov](mailto:craig_dalby@nps.gov)>

**Subject:** Re: Draft Cliff House Response Letter

(b) (5)

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A couple of quick observations:

(b) (5)

Scott

On Fri, Oct 4, 2013 at 6:46 AM, McDowall, Lena <[lena\\_mcdowall@nps.gov](mailto:lena_mcdowall@nps.gov)> wrote:

(b) (5)

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

Scott Wanek  
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(b) (5)

(b) (5)



Office of the Director

# United States Department of the Interior

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

## National Park System Closure Determination and Notice

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

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

### Condition and Exceptions:

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

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

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

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

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

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

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

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

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

  
Jonathan B. Jarvis  
Director

October 1, 2013  
Date

## Young, Deirdre R

---

**From:** Neubacher, Patricia <patty\_neubacher@nps.gov>  
**Sent:** Friday, October 04, 2013 11:23 AM  
**To:** Francis Dean  
**Cc:** Scott Wanek; Lena McDowall; Aaron Roth; Bruce Sheaffer; Craig Dalby  
**Subject:** Re: Draft Cliff House Response Letter

(b) (5)

On Fri, Oct 4, 2013 at 8:17 AM, Francis Dean <[frank\\_dean@nps.gov](mailto:frank_dean@nps.gov)> wrote:

(b) (5)

Thanks,

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

---

**From:** Neubacher, Patricia [mailto:[patty\\_neubacher@nps.gov](mailto:patty_neubacher@nps.gov)]  
**Sent:** Friday, October 04, 2013 07:35 AM  
**To:** Wanek, Scott <[scott\\_wanek@nps.gov](mailto:scott_wanek@nps.gov)>  
**Cc:** McDowall, Lena <[lena\\_mcdowall@nps.gov](mailto:lena_mcdowall@nps.gov)>; Frank Dean <[frank\\_dean@nps.gov](mailto:frank_dean@nps.gov)>; Aaron Roth <[aaron\\_roth@nps.gov](mailto:aaron_roth@nps.gov)>; Bruce Sheaffer <[Bruce\\_Sheaffer@nps.gov](mailto:Bruce_Sheaffer@nps.gov)>; Craig Dalby <[craig\\_dalby@nps.gov](mailto:craig_dalby@nps.gov)>  
**Subject:** Re: Draft Cliff House Response Letter

I agree with Scott's comments....and would offer just a couple of other comments.

I think it would be better coming from WASO, so am ok with the letter being signed there -- they're obviously appealing our local decision.

Also, is there anyway to get this letter finalized and signed before noon PDT? Frank Dean has to meet with the attorney at noon and it would be ideal to have this letter to deliver. Thanks very much for your help!

On Fri, Oct 4, 2013 at 7:01 AM, Wanek, Scott <[scott\\_wanek@nps.gov](mailto:scott_wanek@nps.gov)> wrote:  
A couple of quick observations:

1. This is pretty generic and doesn't address any of the specific contractual issues raised in their most recent letter, which may be OK, but will likely be less than satisfying. A statement connecting the closure to the contract language or indicating that something like the Anti-deficiency Act supersedes contractual obligations (if true) would probably be more satisfying.

(b) (5)

Scott

On Fri, Oct 4, 2013 at 6:46 AM, McDowall, Lena <[lena\\_mcdowall@nps.gov](mailto:lena_mcdowall@nps.gov)> wrote:

(b) (5)

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

--  
Scott Wanek  
Regional Chief Ranger  
Pacific West Region  
415-623-2180 office  
510-501-0459 cell  
415-623-2189 fax  
[VRP Sharepoint Site](#)

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

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

(510) 604-9998 cell

**Young, Deirdre R**

---

**From:** Neubacher, Patricia <patty\_neubacher@nps.gov>  
**Sent:** Friday, October 04, 2013 10:35 AM  
**To:** Wanek, Scott  
**Cc:** McDowall, Lena; Frank Dean; Aaron Roth; Bruce Sheaffer; Craig Dalby  
**Subject:** Re: Draft Cliff House Response Letter

(b) (5)

On Fri, Oct 4, 2013 at 7:01 AM, Wanek, Scott <[scott\\_wanek@nps.gov](mailto:scott_wanek@nps.gov)> wrote:  
A couple of quick observations:

(b) (5)

Scott

On Fri, Oct 4, 2013 at 6:46 AM, McDowall, Lena <[lena\\_mcdowall@nps.gov](mailto:lena_mcdowall@nps.gov)> wrote:

(b) (5)

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

--  
Scott Wanek

Regional Chief Ranger  
Pacific West Region  
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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 04, 2013 9:46 AM  
**To:** Patricia Neubacher; Frank Dean; Aaron Roth  
**Cc:** Bruce Sheaffer; Scott Wanek; Craig Dalby  
**Subject:** Draft Cliff House Response Letter  
**Attachments:** Cliff House Letter.docx

(b) (5)

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

(b) (5)

(b) (5)

## Young, Deirdre R

---

**From:** McDowall, Lena <[lena\\_mcdowall@nps.gov](mailto:lena_mcdowall@nps.gov)>  
**Sent:** Friday, October 04, 2013 9:13 AM  
**To:** Sheaffer, Bruce  
**Cc:** Roth, Barry  
**Subject:** Re: Draft Cliff House Letter

Thanks, Barry. This looks good to me too.

On Fri, Oct 4, 2013 at 7:55 AM, Sheaffer, Bruce <[bruce\\_sheaffer@nps.gov](mailto:bruce_sheaffer@nps.gov)> wrote:  
this is good to go by me

On Thu, Oct 3, 2013 at 6:21 PM, Roth, Barry <[barry.roth@sol.doi.gov](mailto:barry.roth@sol.doi.gov)> wrote:  
My suggestions.

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

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On Thu, Oct 3, 2013 at 5:46 PM, McDowall, Lena <[lena\\_mcdowall@nps.gov](mailto:lena_mcdowall@nps.gov)> wrote:  
I've attached a draft response to the Cliff House letter. Bruce, the letter from the concessioner's attorney is attached for reference.

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

--  
C. Bruce Sheaffer

Comptroller  
National Park Service  
202-208-4566  
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--

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**Young, Deirdre R**

---

**From:** Roth, Barry <barry.roth@sol.doi.gov>  
**Sent:** Friday, October 04, 2013 8:09 AM  
**To:** Sheaffer, Bruce; Edward Boling; Pam Haze  
**Subject:** Re: Questions for Follow Up on NPS

If we need to say something in this regard, we suggest the following:



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

This email is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee of or agent responsible for delivery of this email to the intended recipient, you are hereby notified that its dissemination, distribution, copying or use of this email is strictly prohibited. If you received this email in error, please notify the sender immediately and destroy all copies.

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**To:** Bruce Sheaffer <[Bruce\\_Sheaffer@nps.gov](mailto:Bruce_Sheaffer@nps.gov)>



(b) (5)

Sent from my iPhone

On Oct 3, 2013, at 3:19 PM, "Moss, Adrienne" <[adrienne\\_moss@ios.doi.gov](mailto:adrienne_moss@ios.doi.gov)> wrote:

Craig,

(b) (5)

(b) (5)

--  
C. Bruce Sheaffer  
Comptroller  
National Park Service  
202-208-4566  
[bruce\\_sheaffer@nps.gov](mailto:bruce_sheaffer@nps.gov)

## Young, Deirdre R

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**Sent:** Friday, October 04, 2013 7:55 AM  
**To:** Roth, Barry  
**Cc:** McDowall, Lena  
**Subject:** Re: Draft Cliff House Letter

this is good to go by me

On Thu, Oct 3, 2013 at 6:21 PM, Roth, Barry <[barry.roth@sol.doi.gov](mailto:barry.roth@sol.doi.gov)> wrote:  
My suggestions.

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

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On Thu, Oct 3, 2013 at 5:46 PM, McDowall, Lena <[lena\\_mcdowall@nps.gov](mailto:lena_mcdowall@nps.gov)> wrote:  
I've attached a draft response to the Cliff House letter. Bruce, the letter from the concessioner's attorney is attached for reference.

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

--  
C. Bruce Sheaffer  
Comptroller  
National Park Service  
202-208-4566

[bruce\\_sheaffer@nps.gov](mailto:bruce_sheaffer@nps.gov)

**Young, Deirdre R**

---

**From:** Sheaffer, Bruce <bruce\_sheaffer@nps.gov>  
**Sent:** Friday, October 04, 2013 7:52 AM  
**To:** Roth, Barry  
**Cc:** McDowall, Lena  
**Subject:** Re: Claude Moore farm statement for WASO/DOI review, please

I am fine with the statement and Barry's comment

On Thu, Oct 3, 2013 at 6:39 PM, Roth, Barry <[barry\\_roth@sol.doi.gov](mailto: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](mailto:Barry.Roth@sol.doi.gov)

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

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

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

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

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

-----  
Lisa Mendelson, AICP  
National Park Service

Deputy Regional Director  
202-297-1338 cell  
202-619-7023 office

Begin forwarded message:

**From:** "Mummart, Jennifer" <[jennifer\\_mummart@nps.gov](mailto:jennifer_mummart@nps.gov)>  
**Date:** October 3, 2013, 5:38:45 PM EDT  
**To:** Michael Litterst <[mike\\_litterst@nps.gov](mailto:mike_litterst@nps.gov)>  
**Cc:** Jon James <[jon\\_james@nps.gov](mailto:jon_james@nps.gov)>, Lisa Mendelson <[lisa\\_mendelson-ielmini@nps.gov](mailto:lisa_mendelson-ielmini@nps.gov)>  
**Subject:** Claude Moore farm statement for WASO/DOI review, please

Hi Mike,

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

Thank you,  
Jennifer

---

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

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EXPERIENCE YOUR AMERICA <sup>TM</sup>

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

--  
C. Bruce Sheaffer

Comptroller  
National Park Service  
202-208-4566  
[bruce\\_sheaffer@nps.gov](mailto:bruce_sheaffer@nps.gov)

**Young, Deirdre R**

---

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

**(b) (5)**

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

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

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

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

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

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

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

Begin forwarded message:

**From:** "Mummart, Jennifer" <[jennifer\\_mummart@nps.gov](mailto:jennifer_mummart@nps.gov)>  
**Date:** October 3, 2013, 5:38:45 PM EDT  
**To:** Michael Litterst <[mike\\_litterst@nps.gov](mailto:mike_litterst@nps.gov)>  
**Cc:** Jon James <[jon\\_james@nps.gov](mailto:jon_james@nps.gov)>, Lisa Mendelson <[lisa\\_mendelson-ielmini@nps.gov](mailto:lisa_mendelson-ielmini@nps.gov)>  
**Subject:** Claude Moore farm statement for WASO/DOI review, please

Hi Mike,

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

Thank you,  
Jennifer

---

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

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EXPERIENCE YOUR AMERICA <sup>TM</sup>

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

(b) (5)

## Young, Deirdre R

---

**From:** Roth, Barry <barry.roth@sol.doi.gov>  
**Sent:** Thursday, October 03, 2013 6:22 PM  
**To:** McDowall, Lena  
**Cc:** Bruce Sheaffer  
**Subject:** Re: Draft Cliff House Letter  
**Attachments:** Cliff House LetterBNR.docx

My suggestions.

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

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On Thu, Oct 3, 2013 at 5:46 PM, McDowall, Lena <[lena\\_mcdowall@nps.gov](mailto:lena_mcdowall@nps.gov)> wrote:  
I've attached a draft response to the Cliff House letter. Bruce, the letter from the concessioner's attorney is attached for reference.

--

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

(b) (5)

## Young, Deirdre R

---

**From:** Roth, Barry <barry.roth@sol.doi.gov>  
**Sent:** Thursday, October 03, 2013 6:22 PM  
**To:** McDowall, Lena  
**Cc:** Bruce Sheaffer  
**Subject:** Re: Draft Cliff House Letter  
**Attachments:** Cliff House LetterBNR.docx

My suggestions.

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

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On Thu, Oct 3, 2013 at 5:46 PM, McDowall, Lena <[lena\\_mcdowall@nps.gov](mailto:lena_mcdowall@nps.gov)> wrote:  
I've attached a draft response to the Cliff House letter. Bruce, the letter from the concessioner's attorney is attached for reference.

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

(b) (5)

## Young, Deirdre R

---

**From:** McDowall, Lena <lena\_mcdowall@nps.gov>  
**Sent:** Thursday, October 03, 2013 5:47 PM  
**To:** Barry Roth; Bruce Sheaffer  
**Subject:** Draft Cliff House Letter  
**Attachments:** Cliff House Letter.docx; DeanDeptofInterior ltr 10-2-13.pdf

I've attached a draft response to the Cliff House letter. Bruce, the letter from the concessioner's attorney is attached for reference.

--

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

(b) (5)

October 2, 2013

0364/018

**BY EMAIL AND FIRST CLASS U.S. MAIL**

Frank\_dean@nps.gov

Frank Dean, General Superintendent  
Golden Gate National Recreation Area  
National Park Service  
Building 201, Fort Mason  
San Francisco, CA 94123

Re: *Concession Contract No. CC-GOGA10-98*  
*Order to Discontinue Operations at The Cliff House*

Dear Mr. Dean:

As you may recall, we represent Peanut Wagon, Inc. ("PWI"), Concessioner under the above-referenced Concession Contract (the "Contract"), between PWI and United States Department of the Interior, National Park Service ("NPS"). We understand that today NPS has ordered all operations of The Cliff House to be discontinued at the close of business today, delivering the shutdown order in an email from Jessica Carter, Chief of the Business Management Division of GGNRA. This letter is a request that NPS reconsider the shutdown order based on the unique circumstances of The Cliff House Concession and the very serious but avoidable economic consequences to the Concession, the Concessioner and NPS which will follow. This request is all the more important due to the possibility that this shutdown may be of long duration, and even if lifted, could recur based upon the current political climate which suggests an inability to resolve the various funding implications of the budget and debt ceiling.

While the Federal Government has the right to declare an emergency and assume control of its properties located worldwide, the budget crisis impasse does not seem to merit such an action in the case of The Cliff House Concession. Section 12(a)(2) of the Contract indicates that operations may be suspended at the discretion of the Secretary [of the Interior] when necessary to enhance or protect Area resources or visitor enjoyment or safety. Section 12(a)(3) indicates that any suspension (or termination) shall be by written notice with certain rights accorded to the Concessioner. In the case of The Cliff House

October 2, 2013  
Attn: Frank Dean  
Page: 2

Concession, we question whether the shutdown (a “suspension” under the Contract) is “...necessary for the purpose of enhancing or protecting Area resources or visitor enjoyment or safety.”

Under the Contract, all maintenance activities are to be performed by the Concessioner and there are no federal employees (NPS or otherwise) who work on The Cliff House premises. Per the Operating Plan (Exhibit “G” of the Contract), the Concessioner is responsible for contracting for all necessary services from state, local and private entities with the understanding that no such services will be provided by NPS. Police, fire, gas, electric, data, garbage and other necessary utilities are provided by the City and County of San Francisco and non-federal governmental service providers. In fact, even The Cliff House food and beverage operations are conducted under the auspices of state and local licensing entities, and not the federal government.

Under these circumstances, it is our opinion that The Cliff House Concession should continue to be operated if the budget crisis is not resolved by Congress, and that the resulting temporary absence of federal funds will not impact operations at The Cliff House. In fact, the shutdown order will in all probability result in a compensable claim under the Contract, which would be in the interest of neither PWI nor NPS. Moreover, the shutdown order will result in the loss of as many as 200 jobs and seriously impact the numerous contractors and vendors who provide services and products to The Cliff House. Furthermore, damage to the reputation of the Concession, the Concessioner and NPS is potentially enormous. An example of this damage to all parties concerned is the forced cancellation of special events required under the shutdown order, in addition to the cancellation of numerous dining reservations. One can only imagine the lingering vitriol rightfully caused to the poor folks who had their wedding reception cancelled this weekend. Finally, the shutdown order will cause direct adverse financial consequences to NPS by the certain reduction in the Franchise Fee payable under the Contract based on the Concessioner’s gross revenues, and the possible claims raised above.

All of this will be caused unnecessarily since The Cliff House can continue to operate without direct federal involvement. In recognition of these circumstances, during the budget impasses of the 1990s, under which President Clinton ordered a suspension of federal services which went on for two protracted periods, The Cliff House was allowed to remain open since it was recognized that federal services are not required for its operation.

The Clinton shutdowns occurred in two periods, November 14 through November 19, 1995 and from December 16, 1995 to January 6, 1996, a total of 28 days. A 2010 Congressional Research Service report is an excellent source for the details of the 1995-1996 government shutdowns, clearly indicating that all sectors of the economy were impacted. With particular reference to the National Park Service, the shutdowns caused

October 2, 2013  
Attn: Frank Dean  
Page: 3

the following:

**“Parks/Museums/Monuments.** Closure of 368 National Park Service sites (loss of 7 Million visitors) occurred, with local communities near National Parks losing an estimated \$14.2 Million per day in tourism revenues; and closure of National Museums and Monuments (estimated loss of 2 Million visitors) occurred.”

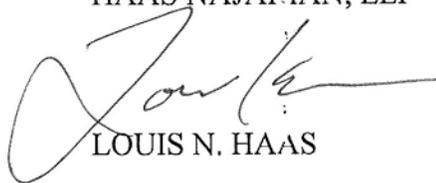
Recognizing the potential devastation which would be caused (and which in fact was caused) by shutting down Park Service sites, it was apparently decided not to shut down those Park Service concessions which did not require federal personnel or funds to continue their operation. The decision to leave The Cliff House Concession open was wise then and would be even wiser now, considering the fragile recovery the economy is finally making from the worst recession since the Great Depression.

Please reconsider the shutdown order based upon the matters raised in this letter. We would be pleased to discuss this matter in more depth with you personally or the Regional Director’s solicitor. To the extent that the shutdown decision is driven by either NPS or the Secretary of the Department of Interior’s offices in Washington, D.C., please forward this request for reconsideration to the appropriate office(s).

Thank you for your consideration of this serious matter. If you have any questions, please do not hesitate to contact us.

Very truly yours,

HAAS NAJARIAN, LLP



LOUIS N. HAAS

LNH/lm

cc: Demosthenis M. Hountalas  
Jessica Carter

N:\CLIENTS\03\0364\918\Correspondence\DeanDeptofInterior ltr 10-2-13.doc

Young, Deirdre R

---

**From:** Haze, Pam <pam\_haze@ios.doi.gov>  
**Sent:** Thursday, October 03, 2013 5:13 PM  
**To:** Bruce Sheaffer  
**Subject:** Fwd: Questions for Follow Up on NPS

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

**From:** Crutchfield, Craig <Craig\_Crutchfield@(b) (6)>  
**Date:** Thu, Oct 3, 2013 at 4:22 PM  
**Subject:** RE: Questions for Follow Up on NPS  
**To:** Pam Haze <pam\_haze@ios.doi.gov>, "Moss, Adrienne" <adrienne\_moss@ios.doi.gov>  
**Cc:** Denise Flanagan <Denise\_Flanagan@ios.doi.gov>, "Hoef, Jennifer E." <Jennifer\_E\_Hoef@ (b) (6)>, "Burnett, Ben" <Benjamin\_Burnett@omb.eop.gov>

Here's one thought to strengthen the argument, although I would like to know what the Solicitor's Office thinks.

(b) (5)

---

**From:** Crutchfield, Craig  
**Sent:** Thursday, October 03, 2013 3:41 PM  
**To:** 'Pam Haze'; Moss, Adrienne  
**Cc:** Denise Flanagan; Hoef, Jennifer E.; Burnett, Ben  
**Subject:** RE: Questions for Follow Up on NPS

(b) (5)

---

**From:** Pam Haze [[mailto:pam\\_haze@ios.doi.gov](mailto:pam_haze@ios.doi.gov)]

**Sent:** Thursday, October 03, 2013 3:27 PM

**To:** Moss, Adrienne

**Cc:** Crutchfield, Craig; Denise Flanagan; Hoef, Jennifer E.; Burnett, Ben

**Subject:** Re: Questions for Follow Up on NPS

(b) (5)

Sent from my iPhone

On Oct 3, 2013, at 3:19 PM, "Moss, Adrienne" <[adrienne\\_moss@ios.doi.gov](mailto:adrienne_moss@ios.doi.gov)> wrote:

Craig,

(b) (5)

(b) (5)

## Young, Deirdre R

---

**From:** McDowall, Lena <lena\_mcdowall@nps.gov>  
**Sent:** Thursday, October 03, 2013 11:52 AM  
**To:** Neubacher, Patricia  
**Cc:** Bruce Sheaffer; Scott Wanek; Craig Dalby  
**Subject:** Re: Fw: Request to Reconsider Shutdown Order for Cliff House  
**Attachments:** image001.jpg

Hi Patty -

We've sent the Cliff House attorney letter along with the concessions contract to Ted Boling in SOL. As soon as he has reviewed we'll circle back with you on next steps.

Thanks,

Lena

On Thu, Oct 3, 2013 at 10:25 AM, Neubacher, Patricia <[patty\\_neubacher@nps.gov](mailto:patty_neubacher@nps.gov)> wrote:

**(b) (5)**

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

**From:** Francis Dean <[frank\\_dean@nps.gov](mailto:frank_dean@nps.gov)>  
**Date:** Wed, Oct 2, 2013 at 9:39 PM  
**Subject:** Fw: Request to Reconsider Shutdown Order for Cliff House  
**To:** [patty\\_neubacher@nps.gov](mailto:patty_neubacher@nps.gov), [scott\\_wanek@nps.gov](mailto:scott_wanek@nps.gov)  
**Cc:** [Aaron\\_Roth@nps.gov](mailto:Aaron_Roth@nps.gov), [jessica\\_carter@nps.gov](mailto:jessica_carter@nps.gov)

Hi Scott and Patty,

You mentioned asking for solicitor review today on the call and I wasn't sure it needed to go through you, but here is an urgent one. We knew this would not be simple.

Can you pass this on to Barbara or whomever the SOL duty person is? Probably good to include Bruce Sheaffer and Peggy O'Dell given the Cliff House seems to always come up.

If you can let us know about possible SOL turnaround, it will help us confirm a meeting time with the operator.

Thanks,

Frank  
Thanks,

Frank Dean  
General Superintendent  
Golden Gate

National Recreation Area  
San Francisco, CA 94123  
(415) 561-4720

---

**From:** Lou Haas [mailto:[LHaas@hnattorneys.com](mailto:LHaas@hnattorneys.com)]  
**Sent:** Wednesday, October 02, 2013 06:14 PM  
**To:** [frank\\_dean@nps.gov](mailto:frank_dean@nps.gov) <[frank\\_dean@nps.gov](mailto:frank_dean@nps.gov)>; [Jessica Carter@nps.gov](mailto:Jessica_Carter@nps.gov) <[Jessica\\_Carter@nps.gov](mailto:Jessica_Carter@nps.gov)>  
**Cc:** dan hountalas <[dmhountalas@sbcglobal.net](mailto:dmhountalas@sbcglobal.net)>; Ralph Burgin <[burginr007@gmail.com](mailto:burginr007@gmail.com)>  
**Subject:** FW: Request to Reconsider Shutdown Order for Cliff House

Please see attached correspondence. Dan and I would like to meet with you at your earliest convenience to discuss this obviously urgent matter.



---

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](mailto:lhaas@hnattorneys.com)

---

**From:** Leslie Mabie  
**Sent:** Wednesday, October 02, 2013 5:59 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](mailto:lmabie@hnattorneys.com)

---

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

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

## Young, Deirdre R

---

**From:** 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](mailto: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  
(510) 604-9998 cell

--

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

--

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

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

## Young, Deirdre R

---

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

Dear Fellow travelers:

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.

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

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

16 USC SUBCHAPTER LXXXVI—GOLDEN GATE NATIONAL RECREATION AREA §460bb-3

### *Administration (f) Certain rental proceeds; crediting; management contract*

*Notwithstanding any other provisions of law, in the administration of those parcels of property known as Haslett Warehouse, Cliff House Properties and Louis' Restaurant, the Secretary...may, if he deems appropriate, enter into a contract for the management (including rental or lease) of said properties with such terms and conditions as will protect the Government's interest, with excess funds being used as set forth above.*

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

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



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

