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**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

October 31, 2013

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PENNY DODGE  
DEMOCRATIC STAFF DIRECTOR

The Honorable Jonathan Jarvis  
Director  
National Park Service  
1849 C Street NW  
Washington, DC 20240

Dear Director Jarvis:

As you know, the Committee on Natural Resources (“Committee”) is conducting oversight of the National Park Service’s (“NPS” or “Park Service”) preparation for and activities during the recent lapse in appropriations and shutdown of the federal government, including the process used for determining which employees were exempt from furlough; the decision to limit public access to open-air monuments, memorials, and parks in the Washington, D.C., region and elsewhere; the related closure of concessionaires and special-use permit holders who operate on Park Service lands.

On October 2, 2013, a letter was sent directing the Park Service to preserve documents potentially responsive to the Committee’s oversight interests and indicating additional oversight could be expected. A joint oversight hearing of this Committee and the Committee on Oversight and Government Reform was held October 16, 2013 to discuss these issues. Your participation at the hearing was appreciated, but your testimony left a number of important questions unresolved. At that hearing, you agreed to provide follow-up information about the planning for and implementation of the shutdown by the Park Service.

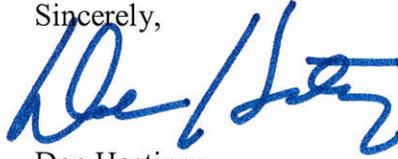
Under Rule X of the House of Representatives, the Committee has jurisdiction over national parks created from the public domain, military parks and battlefields, national cemeteries administered by the Secretary of the Interior, parks within the District of Columbia, and the erection of monuments to the memory of individuals.

In order to better understand the Park Service’s actions and your testimony at the October 16 oversight hearing, it is requested that the Park Service provide the following documents and information by close of business on November 21, 2013, so that the Committee can fulfill its oversight responsibilities:

- 1) A list of all Park Service employees and summary of job duties for such employees who were identified as exempt from the furlough in the NPS Headquarters, including Park Police, and the National Capital Region, organized by NPS organizational unit;
- 2) A list of all NPS Headquarters, including Park Police, and National Capital Region employees who were recalled from furlough status during the shutdown, as well as the legal basis and period of time for their recall;
- 3) Copies of all drafts of the Closure Determination and Notice for the National Park Service signed October 1, 2013, and related documents;
- 4) Copies of all documents related to the decision to allow Honor Flights to visit the World War II Memorial during the shutdown;
- 5) Copies of all documents related to the scope, implementation, or application of the First Amendment exemption to the Closure Determination and Notice on the National Mall and Memorial Parks or Independence National Historic Park, including copies of any instructions or guidance given to Park Service employees.
- 6) Copies of any analysis of legal authority or potential liability concerning the order to Park Service concessionaires and special-use permit holders to cease operations during the shutdown;
- 7) Copies of all NPS documents concerning requests by the states of Arizona, Utah, South Dakota, Colorado, New York, or other states to reopen National Parks within their states using state resources or funds;
- 8) A summary of the specific threats or safety reasons, as discussed at the October 16 hearing, that necessitated the barricading of open-air monuments and parks in the National Capital Region during the shutdown;
- 9) Copies of all NPS documents concerning any decisions to allow Claude Moore Farms in McClean, Virginia, the Cliff House Restaurant in San Francisco, California, the City Tavern in Philadelphia, Pennsylvania, and the Pisgah Inn in Brevard, North Carolina, to reopen during the shutdown before the appropriations to the NPS were restored.
- 10) Copies of all documents related to any communications, as discussed at the October 16 hearing, involving the Department and/or the NPS and the White House, including the Office of Management and Budget, concerning the closure of Park Service units, including the impact of the closure on concessionaires and special-use permit holders or the decision to allow them to reopen, during the lapse in appropriations; and
- 11) Any documents or communications concerning the operation, updating, or maintenance of the NPS website during the lapse in appropriations.

Enclosed with this letter are instructions and definitions to be used in complying with this request. Please have your staff contact Byron Brown in the Office of Oversight and Investigations at 225-2761 with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Doc Hastings", written in a cursive style.

Doc Hastings  
Chairman

Enclosure

## Responding to Committee Document Requests

### **A. Definitions**

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, recorded notes, letters, notices, confirmations, receipts, checks, envelopes, presentations, pamphlets, brochures, interoffice and intra office communications, electronic mails (e-mails), instant message, notations of any type of conversation, telephone call, voice mail, phone mail, meeting or other communication, diaries, analyses, summaries, messages, correspondence, circulars, opinions, work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and electronic, mechanical, and electric records or representations of any kind, and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, mail, e-mail, discussions, releases, personal delivery, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this document request. The singular includes the plural. The masculine includes the feminine.
4. As used herein, “referring” or “relating” means and includes “constituting,” “pertaining,” “evidencing,” “reflecting,” “describing,” or “having anything to do with,” and in each instance, directly or indirectly. These terms mean, without limitation, any reference or relationship which either (a) provides information with respect to the subject of the inquiry, or (b) might lead to individuals who, or documents which, might possess or contain information with respect to the subject of the inquiry.

### **B. Instructions**

1. In complying with this document request, you are required to produce all responsive documents, materials, or items that are in your possession, custody, or control, whether held by you or your past or present agents, employees, representatives, subsidiaries, affiliates, divisions, partnerships, and departments acting on your behalf. You are also required to produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. No records, documents, data or information called for by this request shall be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.

2. In the event that any entity, organization, or individual denoted in this document request has been, or is also known by any other name than that herein denoted, the document request shall be read also to include them under that alternative identification.
3. Each document produced shall be produced in a form that renders that document capable of being printed or copied.
4. Documents produced in response to this document request shall be produced together with copies of file labels, dividers, envelopes, or identifying markers with which they were associated when this document request was served. Documents produced to this document request shall also identify to which paragraph from the document request such documents are responsive. Moreover, please include with your response, an index identifying each record and label (preferably by bates stamping) the documents. The Committee prefers, if possible, to receive all documents in electronic format.
5. It shall not be a basis for refusal to produce documents that any other person or entity also possesses documents that are non-identical or identical copies of the same document.
6. If any of the requested information is available in machine-readable or electronic form (such as on a computer server, hard drive, CD, DVD, memory stick, or computer back-up tape), state the form in which it is available and provide sufficient detail to allow the information to be copied to a readable format. If the information requested is stored in a computer, indicate whether you have an existing program that will print the records in a readable form.
7. If compliance with the document request cannot be made in full, compliance shall be made to the extent possible and shall include a written explanation of why full compliance is not possible.
8. In the event that a document is withheld, in whole or in part, based on a claim of privilege, provide the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter of the document; (d) the date, author, and any recipients; and (e) the relationship of the author and recipients to each other. Claims of privileges are considered under Committee on Natural Resources Rule 4(h) and, similar to all common-law privileges, are recognized only at the discretion of the Committee.
9. If any document responsive to this document request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances by which the document ceased to be in your possession, custody, or control.
10. If a date or other descriptive detail set forth in this document request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.

11. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon location or discovery subsequent thereto.

12. Production materials should be delivered to:

Committee on Natural Resources  
U.S. House of Representatives  
1324 Longworth House Office Building  
Washington D.C. 20515