

Re: [EXTERNAL] RE: Request for 4th of July Yosemite entrance tickets

Austin, Teresa M <Teresa_Austin@nps.gov>

Thu 7/2/2020 11:48 AM

To: Kaplan, Amanda B <Amanda_Kaplan@nps.gov>; Ethics Office, NPS <ethicsoffice@nps.gov>; Kuckro, Melissa <Melissa_Kuckro@nps.gov>

Cc: Laudner, Charles A <charles_laudner@nps.gov>; Hackett, G (Elaine) <Elaine_Hackett@nps.gov>; Baker, Holly E <Holly_Baker@nps.gov>; Peterman, Edwin G <edwin.peterman@sol.doi.gov>

Thanks, everyone. I appreciate the support. I'll let you know if I need additional back up after the call today.

Teri Austin

Deputy Superintendent, Yosemite National Park

(O) 209.372.0131

(C) 209.347.0054

From: Kaplan, Amanda B <Amanda_Kaplan@nps.gov>**Sent:** Thursday, July 2, 2020 8:47 AM**To:** Ethics Office, NPS <ethicsoffice@nps.gov>; Kuckro, Melissa <Melissa_Kuckro@nps.gov>**Cc:** Austin, Teresa M <Teresa_Austin@nps.gov>; Laudner, Charles A <charles_laudner@nps.gov>; Hackett, G (Elaine) <Elaine_Hackett@nps.gov>; Baker, Holly E <Holly_Baker@nps.gov>; Peterman, Edwin G <edwin.peterman@sol.doi.gov>**Subject:** Re: [EXTERNAL] RE: Request for 4th of July Yosemite entrance tickets

Thank you all for the fast response to this request. The information provided is very helpful and I think supports the park's position related to this request. I'll let Teri weigh in to see if she has additional questions.

Thank you again,
Amanda

Amanda Kaplan

Chief, Public and Congressional Affairs

National Park Service

Interior Regions 8, 9, 10, 12

909 1st Ave, Suite 500

Seattle, WA 98104

Cell: (206) 475-4590

From: Ethics Office, NPS <ethicsoffice@nps.gov>**Sent:** Thursday, July 2, 2020 7:57 AM**To:** Kuckro, Melissa <Melissa_Kuckro@nps.gov>**Cc:** Austin, Teresa M <Teresa_Austin@nps.gov>; Kaplan, Amanda B <Amanda_Kaplan@nps.gov>; Laudner, Charles A <charles_laudner@nps.gov>; Hackett, G (Elaine) <Elaine_Hackett@nps.gov>; Baker, Holly E <Holly_Baker@nps.gov>; Peterman, Edwin G <edwin.peterman@sol.doi.gov>**Subject:** RE: [EXTERNAL] RE: Request for 4th of July Yosemite entrance tickets

Hello all,

I ran this by Caitlin to confirm whether there is a service-wide written policy that parallels the Washington Monument policy regarding the disbursement of "limited" tickets/passes. There is not such a service-wide written policy at this time; however, it is my understanding that the Washington Monument policy is considered a model approach. In addition to that memorandum, we also have the Wolf Trap memo from May 20, 2019 titled "New Guidelines for Disbursement and Use of Tickets Provided to the Department by the Wolf Trap Foundation for the Performing Arts" (attached). This is also a parallel situation to the current request at Yosemite, and I think this memo does a pretty good job of laying out the ethical and legal analysis which goes beyond the general principle of not giving preferential treatment.

As far as the ethics analysis is concerned, employees shall not use government property, or allow its use, for other than authorized purposes. 5 C.F.R. § 2635.704. Authorized purposes are those purposes for which Government property is made available to members of the public or those purposes authorized in accordance with law or regulation. As explained in the Wolf Trap Memo, the request, disbursement, and use of tickets must be clearly tied to one or more statutorily authorized purposes. For example, providing representatives of the NPS with the opportunity to engage in dialog with and educate Members of Congress or other officials about the work of the National Park Service as authorized in 54 U.S.C. § 100101(a). However, if it cannot be established that the use of tickets is reasonably related to a statutorily authorized purpose, then the use or disbursement of tickets will likely not comply with the Standards of Ethical Conduct regarding the use of Government Property. I think this concept is well reflected in the National Monument policy which limits the disbursement of non-public access to official business-related purposes, such as educating members of Congress about the work of the National Park Service.

In short, while there is not presently a written NPS policy that specifically addresses the disbursement of tickets/non-public access to elected officials when making a non-business visit, we nonetheless must be able to point to a statutory authority which would justify such use.

Sincerely,

Matthew Bigelow
Associate Ethics Counselor for the National Park Service
Departmental Ethics Office | Office of the Solicitor
U.S. Department of the Interior | Monocacy National Battlefield
4632 Araby Church Rd, Frederick, MD 21704

(P) (202) 557-8740
Email: matthew.bigelow@sol.doi.gov

Integrity is our mission.

From: Ethics Office, NPS <ethicsoffice@nps.gov>
Sent: Thursday, July 2, 2020 7:42 AM
To: Kuckro, Melissa <Melissa_Kuckro@nps.gov>
Cc: Austin, Teresa M <Teresa_Austin@nps.gov>; Kaplan, Amanda B <Amanda_Kaplan@nps.gov>; Laudner, Charles A <charles_laudner@nps.gov>; Hackett, G (Elaine) <Elaine_Hackett@nps.gov>; Baker, Holly E <Holly_Baker@nps.gov>; Peterman, Edwin G <edwin.peterman@sol.doi.gov>
Subject: RE: [EXTERNAL] RE: Request for 4th of July Yosemite entrance tickets

Good morning Melissa,

Received – We will get back to you shortly.

All the best,

Matt

Matthew Bigelow
Associate Ethics Counselor for the National Park Service
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U.S. Department of the Interior | Monocacy National Battlefield
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Email: matthew.bigelow@sol.doi.gov

Integrity is our mission.

From: Kuckro, Melissa <Melissa_Kuckro@nps.gov>
Sent: Thursday, July 2, 2020 7:16 AM
To: Ethics Office, NPS <ethicsoffice@nps.gov>
Cc: Austin, Teresa M <Teresa_Austin@nps.gov>; Kaplan, Amanda B <Amanda_Kaplan@nps.gov>; Laudner, Charles A <charles_laudner@nps.gov>; Hackett, G (Elaine) <Elaine_Hackett@nps.gov>; Baker, Holly E <Holly_Baker@nps.gov>; Peterman, Edwin G <edwin.peterman@sol.doi.gov>
Subject: Fw: [EXTERNAL] RE: Request for 4th of July Yosemite entrance tickets

Ed Peterman is out of the office until July 7 with a message to forward urgent requests to the address above.

Melissa Kuckro, Deputy Assistant Director, Legislative and Congressional Affairs
202-513-7298 (desk) / 202-431-7269 (cell)

From: Kuckro, Melissa <Melissa_Kuckro@nps.gov>
Sent: Thursday, July 2, 2020 7:12 AM
To: Kaplan, Amanda B <Amanda_Kaplan@nps.gov>; Austin, Teresa M <Teresa_Austin@nps.gov>
Cc: Laudner, Charles A <charles_laudner@nps.gov>; Hackett, G (Elaine) <Elaine_Hackett@nps.gov>; Peterman, Edwin G <edwin.peterman@sol.doi.gov>; Baker, Holly E <Holly_Baker@nps.gov>
Subject: Re: [EXTERNAL] RE: Request for 4th of July Yosemite entrance tickets

Teri and Amanda,

Ed Peterman, Chuck Laudner, and Elaine Hackett may have documentation for our policy of not providing non-publicly available access to park sites to Members of Congress when they are making a non-business visit.

For the benefit of Ed, the situation is: Rep. TJ Cox (D-CA) has requested passes for 2 cars for entry to Yosemite on July 4. This is a personal outing. Passes are being distributed by lottery for that day, and the Park has said no to his request but told him how to apply. The Congressman is calling the Yosemite Deputy Superintendent on Thursday at 4:00 pm to press his request.

Attached is the DOI Ethics Guide. It does not address this situation, but see page 4, Foundations for Ethical Behavior: "You shall act impartially and not give preferential treatment to any private organization or individual."

Also attached is the guidance that was issued in November for tickets to the Washington Monument. It is a parallel situation in that the number of tickets available are limited. It allows tickets to be provided to Members of Congress outside the process available to the public only when the visit is for official business purposes and spells out what those purposes are.

There are other limited-ticket situations where we do not provide tickets to Members that are not available to public such as at the Statue of Liberty, Alcatraz Island, and the USS Arizona. But I am not aware of anything we have in writing that documents the policy.

Hoping the others can help with specific guidance you can cite.

Thanks,
Melissa

Melissa Kuckro, Deputy Assistant Director, Legislative and Congressional Affairs
202-513-7298 (desk) / 202-431-7269 (cell)

From: Kaplan, Amanda B <Amanda_Kaplan@nps.gov>
Sent: Wednesday, July 1, 2020 7:47 PM
To: Austin, Teresa M <Teresa_Austin@nps.gov>; Kuckro, Melissa <Melissa_Kuckro@nps.gov>
Subject: Re: [EXTERNAL] RE: Request for 4th of July Yosemite entrance tickets

Melissa - hoping you can help with Teri's question below.
thanks,
Amanda

Amanda Kaplan
Chief, Public and Congressional Affairs
National Park Service
Interior Regions 8, 9, 10, 12
909 1st Ave, Suite 500
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Cell: (206) 475-4590

From: Austin, Teresa M <Teresa_Austin@nps.gov>
Sent: Wednesday, July 1, 2020 4:20 PM
To: Kuckro, Melissa <Melissa_Kuckro@nps.gov>; Kaplan, Amanda B <Amanda_Kaplan@nps.gov>
Subject: Fw: [EXTERNAL] RE: Request for 4th of July Yosemite entrance tickets

FYI, I have a call with him tomorrow at 4:00. If there is a policy I can reference that would be great.

Teri Austin
Deputy Superintendent, Yosemite National Park
(O) 209.372.0131
(C) 209.347.0054

From: Narayan, Nandini <Nandini.Narayan@mail.house.gov>
Sent: Wednesday, July 1, 2020 3:46 PM

To: Austin, Teresa M <Teresa_Austin@nps.gov>
Cc: Muldoon, Cicely A <Cicely_Muldoon@nps.gov>; Modrak-Killian, Jill M <Jill_Modrak-Killian@nps.gov>; Meyer, Joe B <Joe_Meyer@nps.gov>; TJ Cox <tjcox@house.gov>; Hackett, G (Elaine) <Elaine_Hackett@nps.gov>
Subject: [EXTERNAL] RE: Request for 4th of July Yosemite entrance tickets

Not house.gov

Congressman TJ Cox would like to set up a call with the Superintendent tomorrow July 2nd. Please let me know what time is available.

From: Narayan, Nandini
Sent: Wednesday, July 1, 2020 6:09 PM
To: Austin, Teresa M <Teresa_Austin@nps.gov>
Cc: Muldoon, Cicely A <Cicely_Muldoon@nps.gov>; Modrak-Killian, Jill M <Jill_Modrak-Killian@nps.gov>; Meyer, Joe B <Joe_Meyer@nps.gov>; TJ Cox <tjcox@house.gov>
Subject: RE: Request for 4th of July Yosemite entrance tickets

Not house.gov

Hi Teri,

Thank you so much for the response! I am cc'ing Congressman TJ Cox to shed light on the purpose for the visit.

Best,

Nandini Narayan

Cell 408-307-0950

Legislative Assistant/D.C. Scheduler



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From: Austin, Teresa M <Teresa_Austin@nps.gov>
Sent: Wednesday, July 1, 2020 6:06 PM
To: Narayan, Nandini <Nandini.Narayan@mail.house.gov>
Cc: Muldoon, Cicely A <Cicely_Muldoon@nps.gov>; Modrak-Killian, Jill M <Jill_Modrak-Killian@nps.gov>; Meyer, Joe B <Joe_Meyer@nps.gov>
Subject: Request for 4th of July Yosemite entrance tickets

Hello Nandini,

I am writing regarding your request for two vehicle entrance tickets for Yosemite National Park for July 4, 2020 for Congressman Tim Cox. Due to the personal nature of this visit we are unable to honor your request.

Reservations for personal visits to the park may be made via Recreation.gov. Typically, reservations for holiday weekends are sold out in advance, however, there is availability on July 4th for those who wish to reserve tickets 48 hours in advance. On July 2, 2020 at 7:00am PDT Recreation.gov will release approximately 340 tickets for July 4, 2020. I suggest that you log on to the site before 7:00am and be

ready to reserve spaces when they are released. Please accept my apologies if this does not meet your needs.

Should the Congressman wish to visit in an official capacity to discuss official government business, you may make arrangements with our office by contacting Jill Modrak-Killian at 209-372-0286.

Thank you in advance for your understanding,

Teri Austin
Deputy Superintendent, Yosemite National Park