



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE



NATIONAL PARKS OF EASTERN NORTH CAROLINA

Fort Raleigh National Historic Site Moores Creek National Battlefield
Wright Brother National Memorial Cope Lookout National Seashore
Cape Hatteras National Seashore
1401 National Park Drive
Manteo, NC 27954

IN REPLY REFER TO:

21 March 2019

To: Network Program Manager, Southeast Coast Network

From: Superintendent, National Parks of Eastern North Carolina

Subject: Handling of protected or sensitive resource data

The Superintendent of the National Parks of Eastern North Carolina (including Cape Hatteras National Seashore, Cape Lookout National Seashore, Moores Creek National Battlefield, Fort Raleigh National Historic Site, and Wright Brothers National Memorial) has the authority to identify and protect vulnerable park resources such as those that are threatened, endangered, rare, or commercially valuable. In some cases, specific location information and other related information about these resources, if released to the public or other unapproved audiences, may under certain circumstances have the potential to result in harm, theft, or destruction. The superintendent may determine on a case-by-case basis, and pursuant to applicable statutes, the conditions under which it is appropriate to release protected data. When data are handled by agents of the United States beyond the National Park Service, a data sharing agreement shall be in place to describe the appropriate uses and safeguards for those data.

Authorization to withhold information from release is based on specific federal statutes. Some statutes *require* NPS to withhold certain types of information by default, and other statutes establish conditions in which the withholding of information is warranted. Statutes that commonly apply to withholding of information related to vulnerable park resources include, but are not limited to:

- National Parks Omnibus Management Act, Section 207, 16 U.S.C. § 5937, authorizes the agency to withhold from public release, information concerning the nature and specific location of a National Park System resource which is endangered, threatened, rare, or commercially valuable, of mineral or paleontological objects within units of the National Park System, or of objects of cultural patrimony within units of the National Park System. The law also identifies conditions under which the Secretary may release this information.
- Archaeological Resource Protection Act, 16 U.S.C. § 470hh (and the NPS implementing regulation, 43 C.F.R. § 7.18) prohibits the release of information concerning the nature and location of certain archeological resources. This law also identifies conditions under which the Secretary may release this information.

- National Historic Preservation Act, 16 U.S.C. § 470w-3, authorizes an agency to withhold information about the location, character, or ownership of certain historic resources under certain circumstances. This law also identifies conditions under which the Secretary may release this information.

Resource Data Categories for Protection

Where appropriate, the Superintendent and his/her designee shall determine and communicate appropriate guidelines on the method of data protection that the Southeast Coast Network and any of its cooperators must follow when disseminating resource information collected through inventory, monitoring, or other related scientific activities. Table 1 contains a review of some of the typical categories of data that may warrant protection, and an indication of how SECN should handle each.

Table 1. National Parks of Eastern North Carolina - 2019 Resource Data - Categories of Protection

Resource	Type of Information	Category of Protection	Protected From Release To	Method of Protection	Protected for How Long?	Instructions/Notes	Justification
T&E Species							
Federally listed (T/E/Candidate)		Legally Protected		None at this time.		For current federal T&E species, no special data protections apply. Data are currently releasable.	
State of NC listed		Legally Protected		None at this time.		For current State of North Carolina T&E species, no special data protections apply. Data are currently releasable.	
Other Species							
Park Species of Management Concern		Legally Protected		None at this time.		For current list of species of management concern, contact Chief of Resource Management & Science. However, no special data protections apply at this time. Data are currently releasable.	
Other Resources / Locations							
Archeological Resources	Specific Location	Legally Protected	Public and NPS Staff	Remove from products and communications.	Indefinitely/Forever	These resources may be encountered ancillary to official field activities. Release to Chief of Resource Management & Science and to named, designated NPS employees with Chief approval.	All resources of archeological nature included in this category. Resource highly susceptible to looting. NPS prohibited from disclosing information to the public under ARPA.
Park-identified Historic Resources	Specific Location	Legally Protected	Public and NPS Staff	Remove from products and communications.	Indefinitely/Forever	These resources may be encountered ancillary to official field activities. Release to Chief of Resource Management & Science and to named, designated NPS employees with Chief approval.	Cross-check with park-provided list. Resource highly susceptible to looting. NPS authorized to withhold information under NHPA.
All other natural and cultural resources encountered ancillary to official SECN field monitoring activities.				No general rules at this time.		No special data protections apply; if in doubt contact the Chief of Resource Management & Science.	

Roles & Responsibilities

The Superintendent designates the Chief of Resource Management & Science to be the official point of contact for consultation on resource data protections. The Chief of Resource Management & Science may further designate named NPS officials to communicate or assist in specific, explicitly identified, instances or matters related to this topic.

All parties handling resource data must be cognizant that there may be cases where National Parks of Eastern North Carolina may establish Resource Data Protection guidelines upon examination of resource threats in the future. They must consult with the Chief of Resource Management & Science or his/her designee for any questions related to handling of resource data and information.

Updating the Resource Data Rules for Protection

Resources may encounter new threats or greater pressure; thus, greater data protections may be warranted as new issues arise. This memo is intended to be reviewed annually to ensure updates are incorporated and communicated to all relevant parties. The most practical timing of annual review may coincide with Southeast Coast Network annual meeting.

Relationship to Freedom of Information Act

It is important to understand that such files as I&M reports, communications, and data files may also constitute federal records under Freedom of Information Act (FOIA). Any guidelines outlined for data protection in this memo do not inherently protect vulnerable resource data from disclosure to a request made pursuant to FOIA. Any request for federal records which meets the definition of a FOIA request that is received by any individual within the National Park Service must be handled under the appropriate FOIA process. Only an officially designated FOIA officer in consultation with an agency Solicitor may formally exert an exemption to FOIA to withhold or redact information under the FOIA process. The guidelines outlined in this memo serve a very important function in proactively ensuring and maintaining the protection of data, which may then be officially withheld or redacted under the appropriate exemption if found to be a responsive record in a specific FOIA request.

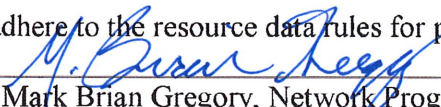
This memo pertains to all forms of general reporting, as well as to fulfillment of routine data requests. Please indicate your understanding of this notice by providing your signature in the block below. If you have additional questions or concerns, please contact the Chief of Resource Management & Science, Tracy Ziegler at 252-475-9016 or tracy_ziegler@nps.gov.

Sincerely,



David Hallac
Superintendent

I agree to adhere to the resource data rules for protection outlined in this correspondence.

Signature: 
Mark Brian Gregory, Network Program Manager, SECN

Date: 3/26/2009