



United States Department of the Interior
NATIONAL PARK SERVICE
AMISTAD NATIONAL RECREATION AREA
10477 Hwy 90 West
Del Rio, Texas 78840



IN REPLY, REFER TO:
N22 AMIS (1.A.2 Permanent)

22 August 2019

To: Network Program Manager, Chihuahuan Desert Network (CHDN)

From: Superintendent, Amistad National Recreation Area

Subject: Handling of protected resource data

The Superintendent of Amistad National Recreation Area has identified vulnerable park resources such as those that are threatened, endangered, rare, or commercially valuable. Amistad National Recreation Area has determined that specific location information and other related information about these resources, if released to other NPS, other federal agencies, the public or other unapproved audiences, may 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, 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.

- **Paleontological Resources Preservation Act, Public Law 111-11, Title VI, Subtitle D; Sec. 6309 (16 U.S.C. § 470aaa-8) prohibits the release of information concerning the nature and specific location of paleontological resources. The law also identifies conditions under which the Secretary may release the information.**
- **Federal Cave Resources Protection Act, 16 U.S.C. § 4304, prohibits making information concerning the specific location of any significant cave available under FOIA except under certain circumstances. "Significant caves" are identified by the DOI Secretary; this list is updated periodically (16 U.S.C. § 4303).**

Resource Data Rules for Protection

To ensure data on vulnerable resources are appropriately protected in accordance with law and management policies, the following rules on the method of data protection found in Table 1 below must be followed when disseminating resource information collected through inventory, monitoring, or other related scientific activities.

Table 1. Resource Data Rules for Protection for Amistad National Recreation Area

Resource	Type of Information	Category of Protection	Withheld from	Method of Protection	Protected for How Long?	Notes	Justification
T&E Species							
Federally Listed Species	Specific Location	Legally Protected	Public and NPS staff	Remove	Indefinitely/ Forever	Release to Resource Chief and to named designated NPS employees with Resource Chief approval.	Improper use of data presents threats to vulnerable resource.
	Presence/Absence	Legally Protected	Public	Park Centroid	Indefinitely/ Forever	If resource location happens to be located near to park centroid, consult park Resource Chief for alternate method of protection.	Improper use of data presents threats to vulnerable resource.
	Abundance	Legally Protected	Public	Park Centroid	Indefinitely/ Forever		Improper use of data presents threats to vulnerable resource.
State of Texas Listed Species	Specific Location	Legally Protected	Public and NPS staff	Remove	Indefinitely/ Forever	Release to Resource Chief and to named, designated NPS employees with Resource Chief approval.	Improper use of data presents threats to vulnerable resource.
	Presence/Absence	Legally Protected	Public	Park Centroid	Indefinitely/ Forever	If resource location happens to be located near to park centroid, consult park Resource Chief for alternate method of protection.	Improper use of data presents threats to vulnerable resource.
	Abundance	Legally Protected	Public	Park Centroid	Indefinitely/ Forever		Improper use of data presents threats to vulnerable resource.

Resource	Type of Information	Category of Protection	Withheld from	Method of Protection	Protected for How Long?	Notes	Justification
Other Species (Specific Rules)							
Texas kidneywood (Eysenhardtia texana)	Specific Location	Legally Protected	Public and NPS staff	Remove	Indefinitely/ Forever	Release to Resource Chief and to named designated NPS employees with Resource Chief approval.	Improper use of data presents threats to vulnerable resource. Resource susceptible to poaching activity.
Other Resources/Locations							
Bird Nesting Sites	Specific Location	Legally Protected	Public and NPS staff	Remove	Indefinitely/ Forever	These resource may be encountered ancillary to official field activities. Release to Resource Chief and to named, designated NPS employees with Resource Chief approval.	All bird nest sites covered under Migratory Bird Treaty Act are considered by park to be vulnerable.
Bat roosts (hibernacula, active maternity colonies) or den locations	Specific Location	Legally Protected	Public and NPS staff	Remove	Indefinitely/ Forever	These resource may be encountered ancillary to official field activities. Release to Resource Chief and to named, designated NPS employees with Resource Chief approval.	Improper use of data presents threats to vulnerable resource. Significant caves are covered under the Federal Cave Resources Protection Act.

Resource	Type of Information	Category of Protection	Withheld from	Method of Protection	Protected for How Long?	Notes	Justification
Mineral Resources	Presence/Absence	Legally Protected	Public and NPS staff	Remove	Indefinitely/Forever	These resource may be encountered ancillary to official field activities. Release to Resource Chief and to named, designated NPS employees with Resource Chief approval. Examples of mineral resources are locations of mine shafts, and rare valuable minerals and metals that may be collected and sold by the public.	Resource susceptible to illegal extraction activities.
Seeps and Springs (including associated sampling locations)	Specific Location	Legally Protected	Public and NPS staff	Park Centroid	Indefinitely/Forever	These resources may be encountered ancillary to official field activities. If resource location happens to be located near to park centroid, consult park Resource Chief for alternate method of protection.	Resource is a highly sensitive habitat.
Archaeological Resources	Specific Location	Legally Protected	Public and NPS staff	Remove	Indefinitely/Forever	These resources may be encountered ancillary to official field activities. Release to Resource Chief and to named, designated NPS employees with Resource Chief approval.	Resource highly susceptible to looting. NPS prohibited from disclosing information to the public under ARPA.
Paleontological Resources	Specific Location	Legally Protected	Public and NPS staff	Remove	Indefinitely/Forever	These resources may be encountered ancillary to official field activities. Release to Resource Chief and to named, designated NPS employees with Resource Chief approval.	Resource highly susceptible to looting.

Resource	Type of Information	Category of Protection	Withheld from	Method of Protection	Protected for How Long?	Notes	Justification
Other Cultural Resources	Specific Location	Legally Protected	Public and NPS staff	Remove	Indefinitely/Forever	These resources may be encountered ancillary to official field activities. Release to Resource Chief and to named, designated NPS employees with Resource Chief approval. An example includes ethnographics.	Resource susceptible to looting and/or vandalism.
Permitted and research collection activities sampling locations; park-approved monitoring location	Specific Location	Operationally Protected	Public and NPS staff	Remove	Indefinitely/Forever	These resources may be encountered ancillary to official field activities. Release to Resource Chief and to named, designated NPS employees with Resource Chief approval.	High likelihood of vandalism or disturbance.
CHDN Sampling Locations (Monitoring sites and Equipment)	Specific Location	Operationally Protected	Public	Reported at Park Centroid or an appropriate minimum map scale or polygon level to impede location of site, as well as, avoid use of imagery, contour lines, or other backgrounds that make locating plots easier	Indefinitely/Forever (see notes)	Data may be made available at culmination of monitoring activities at the site. If resource location happens to be located near to park centroid, consult park Resource Chief for alternate method of protection. Invasive Exotic Plant Monitoring locations are protected only when sampling location data includes co-located protected resources data listed therewith. Groundwater monitoring locations are not protected and available to the public. See guidance above for "Seeps and Springs".	High likelihood of vandalism or disturbance.

Resource	Type of Information	Category of Protection	Withheld from	Method of Protection	Protected for How Long?	Notes	Justification
Other Descriptive Locational Data	Other (see notes)	Operationally Protected	Public	Remove	Indefinitely/ Forever	Travel descriptions, location descriptions, landmarks, elevation, photographs, place names or other fields that contain information that may reveal the specific location of the protected resource(s).	High likelihood of vandalism or disturbance.

Table 2. Resource Data Protection Definitions

Type of Information To be Protected	Definition	Notes
Specific Location		
Specific Location	Actual location of the resource, indicated by coordinates references or other qualitative description that could reasonably be used to locate the resource on site.	
Abundance		
Abundance	An indicator of biodiversity, which denotes the relative representation of a certain type of organism in a particular area. This can be a number, proportion, or percentage. It can denote abundance or relative abundance.	
Presence/Absence		
Presence/Absence	An indicator of occupancy, or whether a certain type of organism exists in a certain area.	
Level of Protection		
Legally Protected	Only applicable if covered under existing statute as exempt from dissemination	
Operationally Protected	Data withheld from release to protect resources or site fidelity, but may be released upon request	
Protected From Release To		
Public	Protected data are only withheld from release to the public	
Public and NPS staff	Protected data are withheld from release to the public, all federal and non-federal affiliates, and NPS staff, except where individuals are explicitly designated to receive data.	Must describe the conditions for internal releases.
Method of Protection		
Remove	Protected data are not included in dissemination	
Fuzz (specify distance in Notes)	Reported at a polygon level (no specific location indicated)	Requires a decision on appropriate scale of fuzzing.
Park Centroid	Location data shifted to the centroid of the park polygon	May not be appropriate in cases where the park centroid is near sampling locations where protected data may occur
Management Unit Centroid	Location data shifted to the centroid of the management unit polygon	May not be appropriate in cases where the unit centroid is near sampling locations where protected data may occur
Protected for How Long		
Indefinitely / Forever	Data remain protected in perpetuity	
One Year	Data remain protected for a period no longer than one year, at which point different dissemination rules apply.	May be appropriate in cases of migratory or transitory observation data where withholding of data is not warranted to ensure protection of resources
Other	Data remain protected for a temporary period or a specific length determined by park.	Must specify withholding time in Notes.

Roles & Responsibilities

The Superintendent designates the Chief of Interpretation and Resource Management (I&RM) to be the official point of contact for consultation on adherence to these park Resource Data Rules for Protection. The Chief of I&RM may further designate named NPS officials to communicate or assist in specific (explicitly identified) instances or matters related to these rules.

All parties handling protected data must adhere to the specified Resource Data Rules for Protection. They must consult with the Chief of I&RM of his/her named designee for any questions or difficulties related to handling of protected data and information.

Updating the Resource Data Rules for Protection

These rules are intended for annual review to ensure updates are incorporated and communicated to all relevant parties. Annual review will be scheduled as appropriate with the CHDN.

Relationship to Freedom of Information Act

CHDN reports, communication, and data files may also constitute federal records under Freedom of Information Act (FOIA). The rules outlined in this memo do NOT inherently protect these vulnerable resource data from disclosure to a request made pursuant to FOIA. Any request received by any individual within the National Park Service for federal records that meets the definition of a FOIA request must be handled under the appropriate process. The statutes cited as potential authorities to protect data under the rules in this memo may be the same statutes used to exempt associated federal records under FOIA. However, the officially designated FOIA officer is required to consult with an agency Solicitor before asserting any exemption to FOIA to withhold or redact information under that specific process. The rules outlined in this memo serve a very important function in maintaining the protection of data, which may then, only where appropriate, be officially withheld or redacted under an appropriate exemption if found to be responsive records in an specific FOIA request.

The rules outlined in this memo pertain 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 Greg Garetz at (830) 775-7492 x 2204 or at greg_garetz@nps.gov.



Christopher Ryan
Superintendent

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

Signature: _____

Andy Hubbard, Acting CHDN Program Manager

Date: _____

8/22/19