



BUFFALO

FIELD CAMPAIGN

Cameron (Cam) Sholly, Superintendent
Yellowstone National Park
PO Box 168
Yellowstone National Park, WY 82190-0168
(307) 344-2002 phone
(307) 344-2014 fax
Yell_Superintendent@nps.gov

July 11, 2019

Dear Superintendent Sholly,

It has come to our attention a National Park Service employee may have unlawfully destroyed public records.

As the supervising authority, it is your responsibility to oversee National Park Service employees' compliance with public records law. 36 CFR § 1230.10(a-d).

Federal law specifies the duties of federal agencies and employees to retain records and the heads of each agency to establish safeguards against the loss or removal of records. 44 U.S.C. §§ 3101, 3102, 3105, 3106.

As an agency of the Department of the Interior (DOI), you must also comply with DOI-specific Freedom of Information Act (FOIA) regulations, 43 C.F.R. §§ 2.1-2.290, in addition to agency-specific guidelines. Department of the Interior employees must comply with the Department Manual to prevent the destruction of records: "[a]ll official records of the Department [of the Interior] will be protected against loss, unauthorized destruction or modification, and illegal removal" Department of the Interior 384 DM 3.2 (1986).

In addition to the duties outlined by the Department to safeguard records, it is specifically the duty of National Park Service (NPS) employees to "maintain[] records that [are] receive[d] or generate[d]" by filing the records in the NPS filing system or sending the records to the appropriate records manager. NPS Employee Handbook at 56. Further, "[r]ecords can neither be destroyed before their scheduled date nor removed from the agency's custody" unless specifically authorized to do so. *Id.*

Indeed, it should go without saying that federal agencies are required to keep and maintain federal records in accordance with federal law. *See, e.g., American Friends Service Committee v. Webster*, 494 F. Supp. 803, 805 (D.D.C. 1980) (substantive provisions of federal law require agencies to retain records, not destroy them). For this reason, the Code

"Protecting the Last Wild Bison"

of Federal Regulations makes it unlawful to remove or destroy public records, or even attempt to do so. The punishment for such an act is a fine, imprisonment, or both. 36 CFR § 1230.12.

Federal law also specifies the procedures for the disposal of records including proper notification of any “actual, impending or threatened unlawful removal” or “destruction of records in the custody of the agency.” 44 U.S.C. § 3106(a).

During the course of Buffalo Field Campaign’s Freedom of Information Act lawsuit, the U.S. Dept. of Agriculture produced a record of National Park Service employee Rick Wallen claiming he had destroyed public records.

We have attached the record of correspondence from Rick Wallen, National Park Service to several APHIS employees wherein Wallen writes that he has “deleted the many emails with the whole group of folks in this conversation . . .”

We are requesting you open an investigation and determine the facts and circumstances surrounding the potentially unlawful destruction or removal of public records by a National Park Service employee.

We request Buffalo Field Campaign be informed of the official actions you take and any determination you may make.

Sincerely,

A handwritten signature in black ink, appearing to read 'Justine Sanchez', written in a cursive style.

Justine Sanchez, President
Buffalo Field Campaign
PO Box 957
West Yellowstone, MT 59758
(406) 646-0070
sanchez@buffalofieldcampaign.org

Cc: U.S. Department of the Interior, Office of Inspector General