From: Jacobson, Rachel <rachel_jacobson@ios.doi.gov>
Sent: Friday, October 11, 2013 3:44 PM
To: Pam K Haze; Betsy Hildebrandt; Dan Ashe; Neil Kornze; Amy Holley; Edward Keable; Barry Roth; Maureen Foster; Margaret O'Dell; Ted Boling; Kate P Kelly; Janet Lin; Kevin Haugrud
Subject: DRAFT RESPONSES TO OMB QUESTIONS. PLEASE REVIEW

What is the status of revisions to the NPS and DOI Summary contingency plans?

NPS is proposing revisions to its contingency plan to reflect the donation policy. Those revisions are undergoing DOI legal review. [redacted]

How would revisions regarding donations affect other NPS units?

Under the current donations policy, only those units that receive full funding from a state sufficient to operate for a minimum four days under the terns of an agreement with the will be open. All other NPS units will remain closed

What is the status of the broader document on overall access?

If a park is opened based on full funding for a 4 day minimum and a written agreement with the state, the entire park will be open and accessible according to normal operating procedures for this time of year.

Are there other parts of FWS jurisdiction that are currently closed, but for which no expenditure of Federal funds are needed to re-open? What about BLM?

FWS made a determination that the only units that could be reopened without incurring federal spending are the waterfowl protection areas. These areas are open lands, and states typically provide the resources for their operations. ***[NEED BLM RESPONSE HERE]***

How did the 1995-96 shutdown plans treat hunting on FWS lands? BLM lands?

FWS and BLM lands were closed to hunting in the 1995-1996 shutdown. The shutdown was in mid-winter, post-hunting season, so this was not an issue in 1995-1996.

From: Stone, Eric <eric_stone@nps.gov>
Sent: Friday, October 04, 2013 6:45 PM
To: Sheaffer, Bruce
Cc: Greatorex, Jennifer; Timothy Bailey
Subject: Re: Donation Research

Bruce,

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Cell: 703.201.1842
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To:
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Bruce,

Tim has offered to go in to the office tomorrow and try to get some details in FFS.. We didn't know the urgency so let us know if you want something tomorrow.

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Cc: Jennifer Greatorex
Subject: Re: Donation Research

I can't say it's not possible that it was returned. Technically if we had, it should have been processed as an expenditure refund, which would have reduced the expenditure amounts I sent down to $0, but who knows how they processed things back then...

Since this is urgent, I recommend we recall Tracy Chop Chang to pull a full extract from the FFS mainframe. Please let me and Jennifer know if this is what you'd like and we can view the full expenditure details.

Thanks,

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> 13461 Sunrise Valley Drive

Herndon, VA 20171

703.487.9133 Phone
703.217.3247 Cell Phone
703.487.9196 Fax
email: jennifer_greatorex@nps.gov

---------- Forwarded message ----------
From: **Greatorex, Jennifer** <jennifer_greatorex@nps.gov>
Date: Fri, Oct 4, 2013 at 4:34 PM
Subject: Fwd: Donation Research
To:
Cc: Eric Stone <eric_stone@nps.gov>, Timothy Bailey <timothy_bailey@nps.gov>

Bruce,

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Eric Stone, CFM
FBMS Program Manager/Bureau Lead

National Park Service
Office: 703.487.9087
Cell: 703.201.1842
eric_stone@nps.gov

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Respectfully,

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Supervisory Financial Operations Specialist
Payment and Travel Management Team

NPS, Accounting Operations Center
Attention: Payment and Travel Management Team
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Herndon, VA 20171

Email: timothy_bailey@nps.gov
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C. Bruce Sheaffer
Comptroller
National Park Service
202-208-4566

bruce_sheaffer@nps.gov

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Sent: Friday, October 04, 2013 9:38 PM
To: Bruce Sheaffer
Cc: Jennifer Greatorex; Timothy Bailey
Subject: Re: Donation Research

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```
ACTION: R  SCREEN: PVHT USERID: EJS1
                  *** VOUCHER HEADER INQUIRY TABLE ***
KEY IS VENDOR CODE, TRANS CODE, VOUCHER NO, TRAVEL ADVANCE NUM
01-
     VENDOR CODE: STANEWMEX  6  TRANS CODE: P2    VOUCHER NO: MT71706DFSD
            NAME: STATE OF NEW MEXICO             TRAVEL ADVANCE NUM:
         ADDRESS: DEPT ENERGY AND MINERALS        NO CHECK DISB FLAG: N
                :                                    PROMPT PAY TYPE:
                :                                      LAST BATCH ID:
                : SANTA FE            NM 87505
     DESCRIPTION:                FA IND:    INV IND:     VOUCHER TYPE: 1
      CHECK TYPE:    D.D.: PFC   PAYMENT CAT: V   OFFSET ELIGIBILITY: Y
    AGREEMENT # :                         DISB RUN NUMBER: 00000
    SCHD FISC YR:       SCHD CAT: A  SCHD TYP: M  SCHD NO:
    VOUCHER DATE: 02 22 1996                VOUCHER AMT:          65,625.00
       SCHD DATE: 02 22 1996               HOLDBACK AMT:               0.00
     CLOSED DATE: 02 26 1996                 CLOSED AMT:          65,625.00
      PPAY SCHED DATE:                   OUTSTANDING AMT:               0.00
    AGENCY HEAD APRVL:                    IN TRANSIT AMT:               0.00
    COMMENTS TO PRINT: REPAYMENT OF DONATED FUNDS STATE OF NM
     INTR AGCY SYMBOL:                  DIRECT DISB NUMBER:
```

```
ACTION: R  SCREEN: PVHT USERID: EJS1
                  *** VOUCHER HEADER INQUIRY TABLE ***
KEY IS VENDOR CODE, TRANS CODE, VOUCHER NO, TRAVEL ADVANCE NUM
01-
     VENDOR CODE: STATARIZ   5  TRANS CODE: P2    VOUCHER NO: MT82106DFSD
            NAME: STATE OF ARIZONA                TRAVEL ADVANCE NUM:
         ADDRESS: .                               NO CHECK DISB FLAG: N
                :                                    PROMPT PAY TYPE:
                :                                      LAST BATCH ID:
                : PHOENIX             AZ 85007
     DESCRIPTION:                FA IND:    INV IND:     VOUCHER TYPE: 1
      CHECK TYPE:    D.D.: PFC   PAYMENT CAT: V   OFFSET ELIGIBILITY: Y
    AGREEMENT # :                         DISB RUN NUMBER: 00000
    SCHD FISC YR:       SCHD CAT: S  SCHD TYP: M  SCHD NO:
    VOUCHER DATE: 02 22 1996                VOUCHER AMT:         370,125.00
       SCHD DATE: 02 22 1996               HOLDBACK AMT:               0.00
     CLOSED DATE: 02 23 1996                 CLOSED AMT:         370,125.00
      PPAY SCHED DATE:                   OUTSTANDING AMT:               0.00
    AGENCY HEAD APRVL:                    IN TRANSIT AMT:               0.00
    COMMENTS TO PRINT: REPAYMENT OF DONATED FUNDS STATE ARIZONA
     INTR AGCY SYMBOL:                  DIRECT DISB NUMBER:
01-AP66W PAID BY EFT
```

```
ACTION: 1  SCREEN: PVHT OSERID: EJS1
                    *** VOUCHER HEADER INQUIRY TABLE ***
KEY IS VENDOR CODE, TRANS CODE, VOUCHER NO, TRAVEL ADVANCE NUM
01-
     VENDOR CODE: HISTPHIL      TRANS CODE: P2    VOUCHER NO: MT262860004
            NAME: HISTORIC PHILADELPHIA INC       TRAVEL ADVANCE NUM:
         ADDRESS: 510 WALNUT ST                   NO CHECK DISB FLAG: N
                :                                    PROMPT PAY TYPE: A
                :                                      LAST BATCH ID:
                : PHILADELPHIA        PA 19106
     DESCRIPTION:                FA IND:    INV IND:     VOUCHER TYPE: 1
      CHECK TYPE:    D.O. : PFC   PAYMENT CAT: V   OFFSET ELIGIBILITY: Y
    AGREEMENT # :                          DISB RUN NUMBER: 00000
    SCHD FISC YR:       SCHD CAT: A  SCHD TYP: M  SCHD NO:
    VOUCHER DATE: 03 15 1996                 VOUCHER AMT:          11,690.00
       SCHD DATE: 04 13 1996                HOLDBACK AMT:               0.00
     CLOSED DATE: 04 15 1996                  CLOSED AMT:          11,690.00
      PPAY SCHED DATE: 04 13 1996         OUTSTANDING AMT:               0.00
    AGENCY HEAD APRVL:                     IN TRANSIT AMT:               0.00
    COMMENTS TO PRINT: REFUND OF DONATION FOR INDEPENDENCE PARK
     INTR AGCY SYMBOL:                 DIRECT DISB NUMBER:
01-AP66W PAID BY EFT
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    SCHD FISC YR:       SCHD CAT: A  SCHD TYP: M  SCHD NO:
    VOUCHER DATE: 01 31 1996                 VOUCHER AMT:           5,010.00
       SCHD DATE: 01 31 1996                HOLDBACK AMT:               0.00
     CLOSED DATE: 02 02 1996                  CLOSED AMT:           5,010.00
      PPAY SCHED DATE:                    OUTSTANDING AMT:               0.00
    AGENCY HEAD APRVL:                     IN TRANSIT AMT:               0.00
    COMMENTS TO PRINT: REFUND OF DONATION/INDEPENDENCE PARK
     INTR AGCY SYMBOL:                 DIRECT DISB NUMBER:
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Please let me know if any further information is required.

Thanks,

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--
C. Bruce Sheaffer
Comptroller
National Park Service
202-208-4566
bruce_sheaffer@nps.gov

From: Patricia Neubacher <patty_neubacher@nps.gov>
Sent: Friday, October 04, 2013 10:01 PM
To: Bruce_Sheaffer@nps.gov; Jon_Jarvis@nps.gov; peggy_o'dell@nps.gov
Subject: Fw: Hey!

I asked Cynthia Ip to search her files on the GRCA and this is what she found. Hope it helps. And hope cynthia doesn't get busted for accessing her computer! I asked herr to look. :-)

From: Cynthia Ip [mailto:[redacted]
Sent: Friday, October 04, 2013 06:53 PM
To: Neubacher, Patricia <patty_neubacher@nps.gov>; [redacted]>
Subject: Re: Hey!

Patty,

Here's what I found relating to opening Grand Canyon. Hope it helps...

From: John J. Reynolds at NP-NPS 1/2/96 2:37PM
Subject: Update on Directions

As we go along I find that some things have not been communicated well, and other new things need to be communicated.

Here are a few:

1. Donations for opening a park are still being accepted. The rules of the game are as previously set forth EXCEPT that the Secretary has made the decision that PARTS of parks may be opened. This has been the case in every situation so far, including Grand Canyon, Carlsbad Caverns, and Independence. The agency with which agreements must be reached is still the state. We have made one exception: Independence. This was done because the City of Philadelphia actually owns the Liberty Bell and Independence Hall, and the agreement is with the City.

Other areas about which there is activity to reach agreement include the Trunk Bay portion of Virgin Islands NP, all of Christiansted NHS and Everglades, Dry Tortugas, and Hawaiian National Parks.

The Secretary, Roger and I want to expressly assure you that there is no hierarchy or favoritism within the administration on opening parks or parts of parks. We address every park for which there is an opening proposal equally.

1. The following question has been raised: "If we are brought back to work but not paid, do the parks reopen?" It is being discussed by the policymakers. Stay tuned.

If you know of confusion anywhere (other than in here, of course!!!) let Mary Bradford or me know--we will try to help.

John

On Fri, Oct 4, 2013 at 4:47 PM, Neubacher, Patricia <patty_neubacher@nps.gov> wrote:
Cynthia: big hub bub in WASO trying to find some old documentation on the GRCA and the last time we closed down in 1995/1996. I can't remember if GRCA was still in our region then? I've looked through all of my documentation, and I can't find anything about the shutdown and whether or not we let the state of Arizona pay to keep the GRCA open. Do you remember? Do you think you have any files on that? If you might, do you know where I might look?

Really weird working here with no one here!

--
Patty Neubacher
Deputy Regional Director
Pacific West Region
(415) 623-2105 work
(510) 604-9998 cell

From: Stone, Eric <eric_stone@nps.gov>
Sent: Friday, October 04, 2013 10:07 PM
To: Bruce Sheaffer
Subject: Re: Donation Research

Hate to admit it, but I called Sue Z haha. The screenshots were P2/MT documents, which were miscellaneous non-referencing payments. The vendors cited were the states that provided the donations.

Thanks,

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Fax: (703) 487-9196
Web: http://www.aoc.nps.gov

On Fri, Oct 4, 2013 at 4:08 PM, Stone, Eric <eric_stone@nps.gov> wrote:
I looked through all three parks donation subprojs for those years, and didn't see anything substantial. I did find this one, however, but couldn't find any further details. This is a Business Services org though, so I doubt they paid for it (and it could be for the USS Arizona for all we know).

<image.png>

Thanks,

Eric Stone, CFM
FBMS Program Manager/Bureau Lead
National Park Service
Office: 703.487.9087
Cell: 703.201.1842
eric_stone@nps.gov

To learn more about FBMS, go to
http://share.nps.gov/FBMS

On Fri, Oct 4, 2013 at 12:20 PM, Greatorex, Jennifer <jennifer_greatorex@nps.gov> wrote:

Tim,

The three parks are Grand Canyon, Mount Rushmore, and Carlsbad. Any donations received in 1995/1996 possibily from the State of Arizona or Texas or any other sizable donations.

Thanks
Jennifer Greatorex
Accounting Operations Center Manager
National Park Service
13461 Sunrise Valley Drive
Herndon, VA 20171

703.487.9133 Phone
703.217.3247 Cell Phone
703.487.9196 Fax
email: jennifer_greatorex@nps.gov

--
C. Bruce Sheaffer
Comptroller
National Park Service
202-208-4566
bruce_sheaffer@nps.gov

From: Stone, Eric <eric_stone@nps.gov>
Sent: Friday, October 04, 2013 10:16 PM
To: Bruce Sheaffer
Subject: Re: Donation Research

Gee thanks boss. Tim Bailey was the one who figured out which FFS table to look at, and he's younger than me. Just needed Sue to translate ;-)

Eric Stone, CFM
FBMS Program Manager/Bureau Lead
National Park Service
Office: 703.487.9087
Cell: 703.201.1842
eric_stone@nps.gov

To learn more about FBMS, go to http://share.nps.gov/FBMS

On Fri, Oct 4, 2013 at 10:11 PM, Bruce Sheaffer <bruce_sheaffer@nps.gov> wrote:
It's ok my boy you did great just need the elders on occasion

Sent from my iPad

On Oct 4, 2013, at 10:06 PM, "Stone, Eric" <eric_stone@nps.gov> wrote:

> Hate to admit it, but I called Sue Z haha. The screenshots were P2/MT documents, which were miscellaneous non-referencing payments. The vendors cited were the states that provided the donations.
>
> Thanks,
>
> Eric Stone, CFM
> FBMS Program Manager/Bureau Lead
> National Park Service
> Office: 703.487.9087
> Cell: 703.201.1842
> eric_stone@nps.gov
>
> To learn more about FBMS, go to http://share.nps.gov/FBMS
>
> On Fri, Oct 4, 2013 at 9:59 PM, Bruce Sheaffer <bruce_sheaffer@nps.gov> wrote:
> Ps. Can you tell me how you confirmed the repayment to the states
>
> Sent from my iPad

On Oct 4, 2013, at 9:37 PM, "Stone, Eric" <eric_stone@nps.gov> wrote:

Bruce,

We were able to determine that all of these donations were refunded to the states. The payment details for all three are shown in the screenshots below (Independence was two separate payments).

<image.png>
<image.png>
<image.png>
<image.png>

Please let me know if any further information is required.

Thanks,

Eric Stone, CFM
FBMS Program Manager/Bureau Lead
National Park Service
Office: 703.487.9087
Cell: 703.201.1842
eric_stone@nps.gov

To learn more about FBMS, go to http://share.nps.gov/FBMS

On Fri, Oct 4, 2013 at 7:54 PM, Bruce Sheaffer <bruce_sheaffer@nps.gov> wrote:
If she is willing call her back

Sent from my iPad

On Oct 4, 2013, at 7:19 PM, "Stone, Eric" <eric_stone@nps.gov> wrote:

> I can't say it's not possible that it was returned. Technically if we had, it should have been processed as an expenditure refund, which would have reduced the expenditure amounts I sent down to $0, but who knows how they processed things back then...
>
> Since this is urgent, I recommend we recall Tracy Chop Chang to pull a full extract from the FFS mainframe. Please let me and Jennifer know if this is what you'd like and we can view the full expenditure details.
>
> Thanks,
>
> Eric Stone, CFM

FBMS Program Manager/Bureau Lead
National Park Service
Office: 703.487.9087
Cell: 703.201.1842
eric_stone@nps.gov

To learn more about FBMS, go to http://share.nps.gov/FBMS

On Fri, Oct 4, 2013 at 7:11 PM, Bruce Sheaffer
<bruce_sheaffer@nps.gov> wrote:
It is possible it was returned?

Sent from my iPad

On Oct 4, 2013, at 7:10 PM, "Stone, Eric" <eric_stone@nps.gov>
wrote:

> Bruce,
>
> They didn't obligate it against this account, since all the project accounts are showing $0 in the obligation field. It is possible, however, that the parks used the funding for contracts and did expenditure transfers to the Business Services account afterwards. Or it could all be federal labor. Very difficult to tell without a full subsidiary by BOC and document.
>
> Thanks,
>
> Eric Stone, CFM
> FBMS Program Manager/Bureau Lead
> National Park Service
> Office: 703.487.9087
> Cell: 703.201.1842
> eric_stone@nps.gov
>
> To learn more about FBMS, go to
> http://share.nps.gov/FBMS
>
> On Fri, Oct 4, 2013 at 7:04 PM, Bruce Sheaffer
> <bruce_sheaffer@nps.gov> wrote:
> Can you tell if we obligated it
>
> Sent from my iPad
>
> On Oct 4, 2013, at 6:45 PM, "Stone, Eric"
> <eric_stone@nps.gov> wrote:

Bruce,

We could easily pull a full subsidiary of costs against those accounts in AFS3 or with a mainframe extract from FFS. Unfortunately, we took AFS3 down during the shutdown, and don't have staff on board to pull an FFS extract.

Thanks,

Eric Stone, CFM
FBMS Program Manager/Bureau Lead
National Park Service
Office: 703.487.9087
Cell: 703.201.1842
eric_stone@nps.gov

To learn more about FBMS, go to http://share.nps.gov/FBMS

On Fri, Oct 4, 2013 at 6:15 PM, Sheaffer, Bruce <bruce_sheaffer@nps.gov> wrote:
thanks... does the org code give us any clues?? would we have any records to indicate how it was spent..

On Fri, Oct 4, 2013 at 4:37 PM, Greatorex, Jennifer <jennifer_greatorex@nps.gov> wrote:
Bruce,

Tim and Eric researched and found 3 large donations during that timeframe. The third one appears to be to keep Independence Hall open in Philly. Tim found several news articles that explain the dollars amounts. I will forward the second one he found to you as well. They are good detectives!!!

Jennifer Greatorex
Accounting Operations Center Manager
National Park Service

13461 Sunrise Valley Drive
Herndon, VA 20171

703.487.9133 Phone
703.217.3247 Cell Phone
703.487.9196 Fax
email: jennifer_greatorex@nps.gov

---------- Forwarded message ---------
-
From: **Greatorex, Jennifer** <jennifer_greatorex@nps.gov>
Date: Fri, Oct 4, 2013 at 4:34 PM
Subject: Fwd: Donation Research
To:
Cc: Eric Stone <eric_stone@nps.gov>, Timothy Bailey <timothy_bailey@nps.gov>

Bruce,

Tim and Eric researched and found 3 large donations during that timeframe (here is the first one). The third one appears to be to keep Independence Hall open in Philly. Tim found several news articles that explain the dollars amounts. I will forward the second one he found to you as well. They are good detectives!!!

Jennifer

Jennifer Greatorex
Accounting Operations Center Manager
National Park Service
13461 Sunrise Valley Drive
Herndon, VA 20171

703.487.9133 Phone
703.217.3247 Cell Phone
703.487.9196 Fax
email: jennifer_greatorex@nps.gov

On Fri, Oct 4, 2013 at 4:18 PM, Stone, Eric <eric_stone@nps.gov> wrote:
Well whata-ya-know! The other two donations in the Business Services account were for New Mexico (where Carlsbad is) and Philly (where INDE is). Here are those two:

<image.png>

<image.png>

Eric Stone, CFM
FBMS Program Manager/Bureau Lead
National Park Service
Office: 703.487.9087
Cell: 703.201.1842
eric_stone@nps.gov

To learn more about FBMS, go to http://share.nps.gov/FBMS

On Fri, Oct 4, 2013 at 4:15 PM, Bailey, Timothy <timothy_bailey@nps.gov> wrote:
Based on what I was able to find in the news. It appears that all of the agreements were made with DOI, which leads me to belive that the donations went straight to DOI, rather than being received by the NPS. I have yet to find any actual details of the agreements.

So far, I show that the, Grand Canyon (portions of the south rim), Carlsbad Caverns,and Independence Hall were opened for portions of the 1995/1996 shutdown due to funding from the state, public, and private (companies and trust funds) donations.

If you have any additional questions or concerns, feel free to contact me at any time.

Respectfully,

Timothy Bailey
Supervisory Financial Operations Specialist
Payment and Travel Management Team

NPS, Accounting Operations Center
Attention: Payment and Travel Management Team
13461 Sunrise Valley Drive
Herndon, VA 20171

Email: timothy_bailey@nps.gov
Customer Service Line: (703) 487-9000
Direct Phone Line: (703) 487-9129
Fax: (703) 487-9196
Web: http://www.aoc.nps.gov

On Fri, Oct 4, 2013 at 4:08 PM, Stone, Eric <eric_stone@nps.gov> wrote:
I looked through all three parks donation subprojs for those years, and didn't see anything substantial. I did find this one, however, but couldn't find any further details. This is a Business Services org though, so I doubt they paid for it (and it could be for the USS Arizona for all we know).

<image.png>

Thanks,

Eric Stone, CFM
FBMS Program Manager/Bureau Lead
National Park Service

Office: 703.487.9087
Cell: 703.201.1842
eric_stone@nps.gov

To learn more about FBMS, go to
http://share.nps.gov/FBMS

On Fri, Oct 4, 2013 at 12:20 PM,
Greatorex, Jennifer
<jennifer_greatorex@nps.gov>
wrote:
Tim,

The three parks are Grand Canyon,
Mount Rushmore, and
Carlsbad. Any donations received in
1995/1996 possibily from the State
of Arizona or Texas or any other
sizable donations.

Thanks
Jennifer Greatorex
Accounting Operations Center
Manager
National Park Service
13461 Sunrise Valley Drive
Herndon, VA 20171

703.487.9133 Phone
703.217.3247 Cell Phone
703.487.9196 Fax
email: jennifer_greatorex@nps.gov

--
C. Bruce Sheaffer
Comptroller
National Park Service
202-208-4566
bruce_sheaffer@nps.gov

From: Bruce Sheaffer (b) (6) [redacted]
Sent: Saturday, October 05, 2013 6:39 PM
To: jon_jarvis@nps.gov
Cc: peggy_O'dell@nps.gov; Bruce_Sheaffer@nps.gov
Subject: the end of your quest

OK... here are the screen prints from february, march and april 1996 accounting records. finding this stuff was made difficult because the donation came through doi, not directly. to ups I think I had to do this because I had no one in finance at that time. So, you will see that there are 4 donations.. the first is for Carlsbad for $65,625, the second is for grand canyon for $370,125 and the 2 for independence for $11,690 and $5,010.. Note the comment lines say repayment or refund... we never obligated any of these funds, just returned them to the states, city... So there your go, we did agree to take a donation, but as I said, we never executed the donation because the shutdown ended. I hope you can print this for your administrative record and memoirs. It was no small task to dig this stuff out...

```
ACTION: A  SCREEN: PVHT USERID: EJ51
                    *** VOUCHER HEADER INQUIRY TABLE ***
KEY IS VENDOR CODE, TRANS CODE, VOUCHER NO, TRAVEL ADVANCE NUM
01-
     VENDOR CODE: STANEWMEX  6  TRANS CODE: P2    VOUCHER NO: MT717060FSO
            NAME: STATE OF NEW MEXICO             TRAVEL ADVANCE NUM:
         ADDRESS: DEPT ENERGY AND MINERALS        NO CHECK DISB FLAG: N
                :                                    PROMPT PAY TYPE:
                :                                      LAST BATCH ID:
                : SANTA FE            NM 87505
     DESCRIPTION:                FA IND:    INV IND:     VOUCHER TYPE: 1
      CHECK TYPE:    D.O.: PFC   PAYMENT CAT: V   OFFSET ELIGIBILITY: Y
    AGREEMENT # :                          DISB RUN NUMBER: 00000
    SCHD FISC YR:       SCHD CAT: A  SCHD TYP: M  SCHD NO:
    VOUCHER DATE: 02 22 1996                 VOUCHER AMT:        65,625.00
       SCHD DATE: 02 22 1996                HOLDBACK AMT:             0.00
     CLOSED DATE: 02 26 1996                 CLOSED AMT:        65,625.00
      PPAY SCHED DATE:                    OUTSTANDING AMT:           0.00
    AGENCY HEAD APRVL:                     IN TRANSIT AMT:           0.00
    COMMENTS TO PRINT: REPAYMENT OF DONATED FUNDS STATE OF NM
     INTR AGCY SYMBOL:                   DIRECT DISB NUMBER:
```

```
ACTION: A  SCREEN: PVHT USERID: EJ51
                    *** VOUCHER HEADER INQUIRY TABLE ***
KEY IS VENDOR CODE, TRANS CODE, VOUCHER NO, TRAVEL ADVANCE NUM
01-
     VENDOR CODE: STATARIZ   5  TRANS CODE: P2    VOUCHER NO: MT021000FSO
            NAME: STATE OF ARIZONA                TRAVEL ADVANCE NUM:
         ADDRESS: .                               NO CHECK DISB FLAG: N
                :                                    PROMPT PAY TYPE:
                :                                      LAST BATCH ID:
                : PHOENIX             AZ 85007
     DESCRIPTION:                FA IND:    INV IND:     VOUCHER TYPE: 1
      CHECK TYPE:    D.O.: PFC   PAYMENT CAT: V   OFFSET ELIGIBILITY: Y
    AGREEMENT # :                          DISB RUN NUMBER: 00000
    SCHD FISC YR:       SCHD CAT: 5  SCHD TYP: M  SCHD NO:
    VOUCHER DATE: 02 22 1996                 VOUCHER AMT:       370,125.00
       SCHD DATE: 02 22 1996                HOLDBACK AMT:             0.00
     CLOSED DATE: 02 23 1996                 CLOSED AMT:       370,125.00
      PPAY SCHED DATE:                    OUTSTANDING AMT:           0.00
    AGENCY HEAD APRVL:                     IN TRANSIT AMT:           0.00
    COMMENTS TO PRINT: REPAYMENT OF DONATED FUNDS STATE ARIZONA
     INTR AGCY SYMBOL:                   DIRECT DISB NUMBER:
01-AP66N PAID BY EFT
```

```
ACTION: N  SCREEN: PVHT USERID: EJS1
                    *** VOUCHER HEADER INQUIRY TABLE ***
KEY IS VENDOR CODE, TRANS CODE, VOUCHER NO, TRAVEL ADVANCE NUM
01-
     VENDOR CODE: HISTPHIL      TRANS CODE: P2    VOUCHER NO: MT262860004
            NAME: HISTORIC PHILADELPHIA INC       TRAVEL ADVANCE NUM:
         ADDRESS: 510 WALNUT ST                   NO CHECK DISB FLAG: N
                :                                    PROMPT PAY TYPE: A
                :                                      LAST BATCH ID:
                : PHILADELPHIA        PA 19106
     DESCRIPTION:                FA IND:    INV IND:     VOUCHER TYPE: I
      CHECK TYPE:    D.O.: PFC   PAYMENT CAT: V   OFFSET ELIGIBILITY: Y
    AGREEMENT # :                          DISB RUN NUMBER: 00000
    SCHD FISC YR:       SCHD CAT: A  SCHD TYP: M  SCHD NO:
    VOUCHER DATE: 03 15 1996                 VOUCHER AMT:        11,690.00
       SCHD DATE: 04 13 1996                HOLDBACK AMT:             0.00
     CLOSED DATE: 04 15 1996                  CLOSED AMT:        11,690.00
      PPAY SCHED DATE: 04 13 1996         OUTSTANDING AMT:             0.00
    AGENCY HEAD APRVL:                     IN TRANSIT AMT:             0.00
    COMMENTS TO PRINT: REFUND OF DONATION FOR INDEPENDENCE PARK
     INTR AGCY SYMBOL:                   DIRECT DISB NUMBER:
01-AP66W PAID BY EFT
```

```
ACTION: N  SCREEN: PVHT USERID: EJS1
                    *** VOUCHER HEADER INQUIRY TABLE ***
KEY IS VENDOR CODE, TRANS CODE, VOUCHER NO, TRAVEL ADVANCE NUM
01-
     VENDOR CODE: HISTPHIL      TRANS CODE: P2    VOUCHER NO: MT262860001
            NAME: HISTORIC PHILADEPHIA INC        TRAVEL ADVANCE NUM:
         ADDRESS: 510 WALNUT ST                   NO CHECK DISB FLAG: N
                :                                    PROMPT PAY TYPE:
                :                                      LAST BATCH ID:
                : PHILADELPHIA        PA 19106
     DESCRIPTION:                FA IND:    INV IND:     VOUCHER TYPE: I
      CHECK TYPE:    D.O.: PFC   PAYMENT CAT: V   OFFSET ELIGIBILITY: Y
    AGREEMENT # :                          DISB RUN NUMBER: 00000
    SCHD FISC YR:       SCHD CAT: A  SCHD TYP: M  SCHD NO:
    VOUCHER DATE: 01 31 1996                 VOUCHER AMT:         5,010.00
       SCHD DATE: 01 31 1996                HOLDBACK AMT:             0.00
     CLOSED DATE: 02 02 1996                  CLOSED AMT:         5,010.00
      PPAY SCHED DATE:                    OUTSTANDING AMT:             0.00
    AGENCY HEAD APRVL:                     IN TRANSIT AMT:             0.00
    COMMENTS TO PRINT: REFUND OF DONATION/INDEPENDENCE PARK
     INTR AGCY SYMBOL:                   DIRECT DISB NUMBER:
01-AP66W PAID BY EFT
```

From: Margaret O'Dell <peggy_o'dell@nps.gov>
Sent: Saturday, October 05, 2013 8:58 PM
To: Bruce Sheaffer
Cc: jon_jarvis@nps.gov; Bruce_Sheaffer@nps.gov
Subject: Re: the end of your quest

Holy cow. What a great story to tell. Thanks for digging they to find the records.

Sent from my iPhone

On Oct 5, 2013, at 6:39 PM, Bruce Sheaffer (b) (6) [redacted] wrote:

>
> OK... here are the screen prints from february, march and april 1996 accounting records. finding this stuff was made difficult because the donation came through doi, not directly. to ups I think I had to do this because I had no one in finance at that time. So, you will see that there are 4 donations.. the first is for Carlsbad for $65,625, the second is for grand canyon for $370,125 and the 2 for independence for $11,690 and $5,010.. Note the comment lines say repayment or refund... we never obligated any of these funds, just returned them to the states, city... So there your go, we did agree to take a donation, but as I said, we never executed the donation because the shutdown ended. I hope you can print this for your administrative record and memoirs. It was no small task to dig this stuff out...
>
>
>
>
> <image.png>
> <image.png>
> <image.png>
> <image.png>

From: Jonathan Jarvis <jon_jarvis@nps.gov>
Sent: Sunday, October 06, 2013 9:45 AM
To: Bruce Sheaffer
Cc: peggy_O'dell@nps.gov; Bruce_Sheaffer@nps.gov; Maureen Foster
Subject: Re: the end of your quest

Thanks Bruce! you could have a second career in cold case files! We need to discuss our policies regarding donations and re-opening first thing Monday.

Sent from my iPad

On Oct 5, 2013, at 6:39 PM, Bruce Sheaffer [redacted] (b) (6) wrote:

>
> OK... here are the screen prints from february, march and april 1996 accounting records. finding this stuff was made difficult because the donation came through doi, not directly. to ups I think I had to do this because I had no one in finance at that time. So, you will see that there are 4 donations.. the first is for Carlsbad for $65,625, the second is for grand canyon for $370,125 and the 2 for independence for $11,690 and $5,010.. Note the comment lines say repayment or refund... we never obligated any of these funds, just returned them to the states, city... So there your go, we did agree to take a donation, but as I said, we never executed the donation because the shutdown ended. I hope you can print this for your administrative record and memoirs. It was no small task to dig this stuff out...
>
>
>
>>>
>>> <image.png>
>>> <image.png>
>>> <image.png>
>>> <image.png>
>>>
>

From: Pam Haze <pam_haze@ios.doi.gov>
Sent: Monday, October 07, 2013 10:41 AM
To: Bruce Sheaffer
Subject: Fwd: FYI: perceived shutdown inconsistencies

Do you want me to tell Craig about your discovery - that we received donations in1996 but did not execute?

Sent from my iPhone

Begin forwarded message:

From: "Crutchfield, Craig" <Craig_Crutchfield@omb.eop.gov>
Date: October 7, 2013, 10:30:49 AM EDT
To: "Denise A. Flanagan (Denise_Flanagan@ios.doi.gov)" <Denise_Flanagan@ios.doi.gov>, "Adrianne Moss (Adrianne_Moss@ios.doi.gov)" <Adrianne_Moss@ios.doi.gov>, 'Pam Haze' <pam_haze@ios.doi.gov>
Cc: "Burnett, Ben" <Benjamin_Burnett@omb.eop.gov>, "Hoef, Jennifer E." <Jennifer_E._Hoef@omb.eop.gov>
Subject: FYI: perceived shutdown inconsistencies

Note the yellow highlighted paragraph below. A key reason why it is useful to figure out what happened with the South Rim in 95-96.

In shutdown, some wiggle room

By Jeremy Herb - 10/06/13 05:00 PM ET

The Obama administration appears to have plenty of wiggle room when it comes to exactly how it implements the government shutdown.
One example is the American Forces Network for troops overseas, which is not broadcasting NFL football or the MLB playoffs due to the shutdown, only keeping its news channel on the air.

Meanwhile, Alhurra TV, the small government-funded Middle Eastern network that captured footage of Thursday's dramatic car chase at the Capitol, was allowed to keep operating because U.S. international media activities are deemed "foreign relations essential to national security."
Such discrepancies are feeding Republican accusations that the administration is deliberately trying to make the shutdown as painful as possible.
GOP lawmakers have particularly honed in on barricading the World War II Memorial and other open-air monuments, which became a major symbol of the first week of the shutdown when lawmakers helped move the barriers for veterans to enter.
The next day, the National Parks Service opened up the memorial to veterans groups and said they were participating in "First Amendment activities."
That hasn't mollified the GOP criticism. Republicans on the National Resources Committee vowed to investigate whether "the outrageous closure decision was made in order to make the current lapse in appropriations as conspicuous and painful to the public as possible."
Obama administration officials say the decisions on what gets closed or who gets furloughed due to the shutdown aren't politically motivated.

National Park Service Director Jonathan Jarvis said memorials normally open 24 hours a day had to be shuttered because he didn't have the staff to properly monitor them.
"Open-air doesn't mean it takes care of itself," Jarvis said in a C-Span "Washington Journal" interview.
The decision to open up the World War II Memorial is one example of the latitude federal agencies in a shutdown to determine "essential" operations.
The military continues operating to protect national security, for example, along with air-traffic controllers and TSA agents at airports.
"In general terms, the leeway for what is open and what is not open is largely at the discretion of the president and the heads of the given agencies throughout the federal government," said John Hudak, a fellow in Governance Studies at the Brookings Institution. "The law says there's no money for the government to function, but at the same time, the president is also charged with keeping the nation safe with a whole host of activities that he cannot let fall by the wayside."
Some cases aren't quite matters of life and death. The Defense Department initially cancelled all collegiate sporting events for the military academy, for instance, but decided to allow Saturday's Navy-Air Force football game — on national television — to be played. Army's football game against Boston College was also played, but other sporting events have been axed.
The three golf courses in the District of Columbia operated by the Parks Service are closed, but the courses nearby at Andrews Air Force Base and Ft. Belvoir remain open because they are funded by fees from golfers.
In at least one case, furloughs depended on the weather: Some FEMA workers were furloughs when the shutdown began were recalled on Thursday to prepare for the potential landfall of Tropical Storm Karen. In addition to exemptions made for "essential" or national security functions, operations funded by advanced appropriations, like veterans' health services, can continue, as well as those funded by fees like the military golf courses.
The State Department, for instance, has continued to provide visa and passport services because they are "fee-funded" — although passport offices were closed during the 1995-1996 shutdown.
Paul Bledsoe, who was special assistant to the Interior secretary during the Clinton-era shutdowns, said the Clinton administration also faced accusations of politicizing the shutdown's impacts, although the shutdown wasn't as widespread because three appropriations bills had been passed.
He said most of the closings have been similar this time around, although there are certainly exceptions — like City Tavern in Philadelphia, which is closed because it's in the Independence National Historical Park.
National parks are often a focal point in a shutdown because they are one of the most visible effects the public sees, said Bledsoe, now a senior fellow at the German Marshall Fund.
He recalled a major fight in the 1995 shutdown with then-Arizona Gov. Fife Symington, who wanted to keep the Grand Canyon open but was rebuffed by the National Park Service.
A similar push is now coming from Arizona Gov. Jan Brewer, who has offered to pay with local funds to re-open the Grand Canyon. The Park Service has declined.
"You sympathize with that, but as soon as one locality begins to think they can somehow get an exemption, everybody wants to do it," Bledsoe said. "And that would just be chaos."
Wisconsin Gov. Scott Walker (R-Wisc.) hasn't asked — he's defied the federal government's shutdown order for state parks that receive federal funding.
"After close review and legal consult, DNR has clarified areas where the federal procedures are over-reaching by ordering the closure of properties where the state has management authority through existing agreements," Wisconsin's Natural Resources Secretary Cathy Stepp told department employees in an email.
In Washington, the Obama administration continues to face criticism for closing the monuments. The Republican National Committee offered to pay for guards to open the World War II Memorial to the public, and lawmakers are still joining veterans there.

Richard Seamon, a University of Idaho law professor who was assistant to the solicitor general in the Clinton administration, said closing the monuments makes sense because of the legal ramifications if someone was hurt without proper staffing to aid them.
"I just think it's kind of a no-brainer," he said. "I think that's much more logical explanation for the shutdown then some of the political speculation."
Hudak agreed that closing the monuments fit within the guidelines of the shutdown, but he said the decision to allow veterans into certain memorials for "First Amendment activities" was clearly political.
"That reason could be applied to people who want to go to the Grand Canyon and talk about environmental preservation," he said. "Anyone can make that argument of visiting a national park to exercise freedom of speech. It's not actually a legitimate excuse, but a means of making a political football go away."

Read more: http://thehill.com/blogs/defcon-hill/army/326751-shutdown-decisions-show-administration-has-some-wiggle-room#ixzz2h2uomDFp
Follow us: @thehill on Twitter | TheHill on Facebook

From: Bruce Sheaffer (b) (6) [redacted]
Sent: Tuesday, October 08, 2013 6:38 AM
To: Bruce_Sheaffer@nps.gov
Subject: Fwd: the end of your quest

Begin forwarded message:

From: Bruce Sheaffer (b) (6) [redacted]
Subject: the end of your quest
Date: October 5, 2013 6:39:26 PM EDT
To: jon_jarvis@nps.gov
Cc: peggy_O'dell@nps.gov, Bruce_Sheaffer@nps.gov

OK... here are the screen prints from february, march and april 1996 accounting records. finding this stuff was made difficult because the donation came through doi, not directly. to ups I think I had to do this because I had no one in finance at that time. So, you will see that there are 4 donations.. the first is for Carlsbad for $65,625, the second is for grand canyon for $370,125 and the 2 for independence for $11,690 and $5,010.. Note the comment lines say repayment or refund... we never obligated any of these funds, just returned them to the states, city... So there your go, we did agree to take a donation, but as I said, we never executed the donation because the shutdown ended. I hope you can print this for your administrative record and memoirs. It was no small task to dig this stuff out...

```
ACTION: 1  SCREEN: PVHT USERID: EJS1
                    *** VOUCHER HEADER INQUIRY TABLE ***
KEY IS VENDOR CODE, TRANS CODE, VOUCHER NO, TRAVEL ADVANCE NUM
01-
     VENDOR CODE: STATARIZ   5  TRANS CODE: P2    VOUCHER NO: MT82106DFSD
            NAME: STATE OF ARIZONA                TRAVEL ADVANCE NUM:
         ADDRESS: .                               NO CHECK DISB FLAG: N
                 :                                   PROMPT PAY TYPE:
                 :                                     LAST BATCH ID:
                 : PHOENIX              AZ 85007
     DESCRIPTION:                 FA IND:    INV IND:     VOUCHER TYPE: 1
      CHECK TYPE:    O.O.: PFC   PAYMENT CAT: V   OFFSET ELIGIBILITY: Y
    AGREEMENT # :                          DISB RUN NUMBER: 00000
    SCHD FISC YR:       SCHD CAT: S  SCHD TYP: M  SCHD NO:
    VOUCHER DATE: 02 22 1996                  VOUCHER AMT:        370,125.00
       SCHD DATE: 02 22 1996                 HOLDBACK AMT:              0.00
     CLOSED DATE: 02 23 1996                   CLOSED AMT:        370,125.00
      PPAY SCHED DATE:                    OUTSTANDING AMT:              0.00
    AGENCY HEAD APPVL:                     IN TRANSIT AMT:              0.00
    COMMENTS TO PRINT: REPAYMENT OF DONATED FUNDS STATE ARIZONA
     INTR AGCY SYMBOL:                  DIRECT DISB NUMBER:
01-AP66W PAID BY EFT
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```
ACTION: 1  SCREEN: PVHT USERID: EJS1
                    *** VOUCHER HEADER INQUIRY TABLE ***
KEY IS VENDOR CODE, TRANS CODE, VOUCHER NO, TRAVEL ADVANCE NUM
01-
     VENDOR CODE: HISTPHIL      TRANS CODE: P2    VOUCHER NO: MT262860004
            NAME: HISTORIC PHILADELPHIA INC       TRAVEL ADVANCE NUM:
         ADDRESS: 510 WALNUT ST                   NO CHECK DISB FLAG: M
                 :                                   PROMPT PAY TYPE: A
                 :                                     LAST BATCH ID:
                 : PHILADELPHIA         PA 19106
     DESCRIPTION:                 FA IND:    INV IND:     VOUCHER TYPE: 1
      CHECK TYPE:    O.O.: PFC   PAYMENT CAT: V   OFFSET ELIGIBILITY: Y
    AGREEMENT # :                          DISB RUN NUMBER: 00000
    SCHD FISC YR:       SCHD CAT: A  SCHD TYP: M  SCHD NO:
    VOUCHER DATE: 03 15 1996                  VOUCHER AMT:         11,690.00
       SCHD DATE: 04 13 1996                 HOLDBACK AMT:              0.00
     CLOSED DATE: 04 15 1996                   CLOSED AMT:         11,690.00
      PPAY SCHED DATE: 04 13 1996         OUTSTANDING AMT:              0.00
    AGENCY HEAD APPVL:                     IN TRANSIT AMT:              0.00
    COMMENTS TO PRINT: REFUND OF DONATION FOR INDEPENDENCE PARK
     INTR AGCY SYMBOL:                  DIRECT DISB NUMBER:
01-AP66W PAID BY EFT
```

```
ACTION: 1  SCREEN: PVHT USERID: EJS1
                    *** VOUCHER HEADER INQUIRY TABLE ***
KEY IS VENDOR CODE, TRANS CODE, VOUCHER NO, TRAVEL ADVANCE NUM
01-
     VENDOR CODE: HISTPHIL      TRANS CODE: P2    VOUCHER NO: MT262860001
            NAME: HISTORIC PHILADEPHIA INC        TRAVEL ADVANCE NUM:
         ADDRESS: 510 WALNUT ST                   NO CHECK DISB FLAG: N
                 :                                   PROMPT PAY TYPE:
                 :                                     LAST BATCH ID:
                 : PHILADELPHIA         PA 19106
     DESCRIPTION:                 FA IND:    INV IND:     VOUCHER TYPE: 1
      CHECK TYPE:    O.O.: PFC   PAYMENT CAT: V   OFFSET ELIGIBILITY: Y
    AGREEMENT # :                          DISB RUN NUMBER: 00000
    SCHD FISC YR:       SCHD CAT: A  SCHD TYP: M  SCHD NO:
    VOUCHER DATE: 01 31 1996                  VOUCHER AMT:          5,010.00
       SCHD DATE: 01 31 1996                 HOLDBACK AMT:              0.00
     CLOSED DATE: 02 02 1996                   CLOSED AMT:          5,010.00
      PPAY SCHED DATE:                    OUTSTANDING AMT:              0.00
    AGENCY HEAD APPVL:                     IN TRANSIT AMT:              0.00
    COMMENTS TO PRINT: REFUND OF DONATION/INDEPENDENCE PARK
     INTR AGCY SYMBOL:                  DIRECT DISB NUMBER:
01-AP66W PAID BY EFT
```

From: Roth, Barry <barry.roth@sol.doi.gov>
Sent: Thursday, October 10, 2013 10:16 AM
To: Sheaffer, C. B.
Subject: Fwd: GRCA-AZ # 4 The actual 17 page agreement Fwd: Scan from INPGRCASCIEMS
Attachments: img-X04130811-0001.pdf

Barry N. Roth
Associate Solicitor
Division of Parks & Wildlife
202-208-4344
Fax: 202-208-3877
Barry.Roth@sol.doi.gov

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---------- Forwarded message ----------
From: **Boling, Edward** <ted.boling@sol.doi.gov>
Date: Thu, Oct 10, 2013 at 10:01 AM
Subject: Fwd: GRCA-AZ # 4 The actual 17 page agreement Fwd: Scan from INPGRCASCIEMS
To: Jack Haugrud <jack.haugrud@sol.doi.gov>, Edward Keable <Edward.Keable@sol.doi.gov>, Mark Teskey <mark.teskey@sol.doi.gov>
Cc: Barry Roth <BARRY.ROTH@sol.doi.gov>, Robert Eaton <robert.eaton@sol.doi.gov>

Here's the Grand Canyon donation agreement. Donation terms vis-a-vis subsequent appropriations is at page 9.

Ted Boling
Deputy Solicitor -- Parks & Wildlife
U.S Department of the Interior
1849 C Street NW
Washington, DC 20240
202-208-4423 (main)
202-208-3125 (direct)
202-208-5584 (fax)
Ted.Boling@sol.doi.gov

---------- Forwarded message ----------
From: **Boling, Edward** <ted.boling@sol.doi.gov>
Date: Thu, Oct 10, 2013 at 9:14 AM
Subject: Fwd: GRCA-AZ # 4 The actual 17 page agreement Fwd: Scan from INPGRCASCIEMS
To: Barry Roth <BARRY.ROTH@sol.doi.gov>, Robert Eaton <robert.eaton@sol.doi.gov>

Here's the 1995 donation agreement for Grand Canyon.

Ted Boling
Deputy Solicitor -- Parks & Wildlife
U.S Department of the Interior
1849 C Street NW
Washington, DC 20240
202-208-4423 (main)
202-208-3125 (direct)
202-208-5584 (fax)
Ted.Boling@sol.doi.gov

---------- Forwarded message ----------
From: **Jonathan Jarvis** <jon_jarvis@nps.gov>
Date: Fri, Oct 4, 2013 at 3:03 PM
Subject: Fwd: GRCA-AZ # 4 The actual 17 page agreement Fwd: Scan from INPGRCASCIEMS
To: Ted Boling <Ted.Boling@sol.doi.gov>

Sent from my iPhone

Begin forwarded message:

> **From:** David Uberuaga <dave_uberuaga@nps.gov>
> **To:** Jon Jarvis <Jon_Jarvis@nps.gov>
> **Subject: GRCA-AZ # 4 The actual 17 page agreement Fwd: Scan from INPGRCASCIEMS**
>
> Sent from my iPad
>
> Begin forwarded message:
>
> *From:* INPGRCASCIEMS <INPGRCASCIEMS@nps.gov>
> *To:* "dave_uberuaga@nps.gov" <dave_uberuaga@nps.gov>, "
> diane_chalfant@nps.gov" <diane_chalfant@nps.gov>, "
> kirbylynn_shedlowski@nps.gov" <kirbylynn_shedlowski@nps.gov>
> *Subject:* *Scan from INPGRCASCIEMS*
>
> Please open the attached document. It was scanned and sent to you using
> INPGRCASCIEMS.

Number of Images: 17
Attachment File Type: PDF

Device Name: INPGRCASCIEMS
Device Location: INP\IMR GRCA SCI South Rim EMS

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http://www.xerox.com/

DONATION AGREEMENT

Between

The

NATIONAL PARK SERVICE

and the

STATE OF ARIZONA

This Donation Agreement (herein "Agreement") is made and entered into between the State of Arizona, acting through its authorized departments and agencies (herein "State"), and the United States of America, acting through the National Park Service of the U.S. Department of the Interior (herein "Service").

WHEREAS, the Grand Canyon National Park (herein "Park") is an international treasure that attracts visitors to Arizona from all over the world and whose spending plays a major role in the economic vitality of the region; and

WHEREAS, the Park is managed and administered by the National Park Service as a unit of the National Park System and is a World Heritage Site; and

WHEREAS, the Service closed the Park in November of 1995 due to the failure of Congress to enact a bill appropriating funds for National Park Service purposes (hereafter, "budgetary shutdown"); and

WHEREAS, the State benefits from keeping the park open, rather than having the park closed again during another period of a budgetary shutdown; and

WHEREAS, the State and the Service wish to enter into a short-term agreement, to address this unique budgetary situation, under which the Service would operate the park, not with appropriated funds, but with funds donated by the State; and

WHEREAS, the State Parks Board is authorized to enter into agreements with the federal government for the joint or cooperative protection of areas of natural features, scenic beauty, historical and scientific interest which are located on federal lands within the State if such areas are being administered in a manner which benefits the State pursuant to such an agreement; and

WHEREAS, the Grand Canyon National Park is an area of natural

features, scenic beauty, historical and scientific interest and a national treasure that attracts visitors to Arizona from all over the world; and

WHEREAS, in the event of a full and complete budgetary shutdown, this Agreement is intended to provide the means of continuing public visitation to a designated portion of the Park during the budgetary shutdown period through the donation of funds by the State to the Service; and

WHEREAS, without appropriated funds to operate the Park, the Service is precluded by the Anti-Deficiency Act, 31 U.S.C. § 1341, from undertaking any activities or entering into any arrangements that would have the effect of obligating directly or indirectly federal funds, regardless of amount, that have not yet been made available to the Service through the Interior Department Appropriations Act, except for emergency activities; and

WHEREAS, any operation of the Park, with either appropriated or donated funds, must satisfy the statutory responsibility for insuring visitor safety as well as preserving and protecting Park resources for future generations, consistent with federal law and regulations, 16 U.S.C. §1 et seq., and this responsibility for preserving and protecting park resources is best undertaken by the Service's professional employees, trained in the preservation of

park resources and visitor protection; and

WHEREAS, the Park is a destination park, where many visitors have made long term advance reservations or special arrangements for visiting, and may never again have the opportunity to view this scenic wonder; and

WHEREAS, the Park is uniquely configured, unlike other areas of the National Park System, to facilitate at least a partial use of the South Rim of the Park, even though the visitor experience will be compromised and the resources of the park not fully interpreted; and

WHEREAS, it is the intention of the State and the Service that under the terms of this Agreement the State will make a donation of the funds deemed necessary by the Service to open a designated portion of the Park to visitor use, and the Service will accept and expend the donation in accordance with the terms of this Agreement; and

WHEREAS, there is a public benefit inuring to the State in the operation of the Park and that providing funds to the federal government for the Park's operations is for a public purpose and for valuable consideration that is equitable and reasonable;

NOW THEREFORE, in consideration of the mutual promises of the State and the Service as set forth in this Agreement, the parties do hereby agree as follows:

Article I. <u>Authority</u>

A. The Service is statutorily authorized to accept donations that further the purposes and goals of the National Park System, 16 U.S.C. §6, including the acceptance of a donation of funds from the State for the Service to continue operation of the Park during a budgetary shutdown due to lack of appropriated funds.

B. The State has by opinion of the Attorney General of Arizona represented to the Service that it has the legal authority to donate public funds to the Service for the continued operation of the Park, and to indemnify the Service during the budgetary shutdown period.

C. The State acting through:

1. The Arizona State Parks Board, A.R.S. §§ 41-511.03,41-511.04 and 41-511.05, has adopted appropriate resolutions, which are appended hereto as Exhibit A, and has taken necessary actions to implement these legal authorities in order to provide funding to the Service, and

2. The Department of Administration, A.R.S. § 14-621(A)(3), has made appropriate determinations, which are appended hereto as Exhibit B, to implement these authorities to assure that the United States will be indemnified against any and all claims, judgments, awards and costs, as set forth in this Agreement.

Article II. Statement of Obligations

A. THE NATIONAL PARK SERVICE AGREES IN THE EVENT OF A FULL AND COMPLETE BUDGETARY SHUTDOWN:

1. To accept donations from the State, by electronic transfer, and to deposit the donations in the appropriate donation account in the United States Treasury for use pursuant to this Agreement. The Service will provide necessary account numbers and instructions to effect the electronic transfer.

2. To keep open to public use only the designated portion of the Park identified in this Agreement, and to manage the identified portion in accordance with the Service's legal authorities, policies and guidelines. The Park area to remain open is the Canyon Village Area and access thereto, as designated on a map appended hereto as Exhibit C to this

Agreement (hereinafter "Canyon Village Area").

3. To keep open to the public during the budgetary shutdown period all restaurants and overnight accommodations located in the Canyon Village Area of the Park; provided however, all other concession facilities and operations will be closed.

4. To keep entrance stations open for public information purposes, but to refrain from collecting entrance fees during the shutdown period.

5. To retain full responsibility for the administration of the Park as well as the funds provided by the State pursuant to this Agreement.

B. **THE STATE OF ARIZONA AGREES IN THE EVENT OF A FULL AND COMPLETE BUDGETARY SHUTDOWN:**

1. To provide donations to the Service in the amounts set forth in this Agreement, which the parties agree must provide full funding, other than for emergency personnel, to support all direct and indirect costs incurred or which may be incurred by the Service as a result of keeping open to visitor use those designated portions of Park during a budgetary

shutdown period. The parties agree that the donation amount set forth this is Agreement shall be Seventeen Thousand Six Hundred Twenty Five Dollars ($17,625.00) per day or any portion thereof.

2. To provide the Service at least twenty-four (24) hours in advance the funds necessary to cover the costs agreed to by the parties to keep open the designated portion of the Park.

3. To indemnify, save and hold harmless, and to provide complete cooperation with, as well as provide such assistance as may be required by the United States, with respect to any and all claims, lawsuits, damages, losses, judgments, workmen's compensation claims, and expenses, including attorney fees and litigation costs, arising out of, or from, or associated in any manner with any omission or activity as a result of the Service keeping open the Park under this Agreement. Provided, however, the State is not liable for any purchases or contracts entered into by the Service prior to the implementation of this Agreement.

Article III. GENERAL TERMS OF AGREEMENT.

A. All areas of the Park other than the Canyon Village Area shall be closed, and the Service will use its best efforts to keep the

visiting public from using all closed areas of the Park, including using the trails within the Park and floating the Colorado River within the Park.

B. Donations to the Service are conditioned upon receipt by the State of confirmation of the existence of a budgetary shutdown, which confirmation will be provided by the Service in writing. Notwithstanding any other provisions of this Agreement to the contrary, none of the obligations of the parties under this Agreement will be effective until the Service provides this notice of budgetary shutdown.

C. The Service will refund to the State only those advanced funds electronically transferred to the Service for a particular day(s) for which appropriated funds have subsequently been made available for that subsequent day(s) by either an annual appropriations for the Service or a bill or joint resolution that continues operations for a temporary period pending the enactment of an annual appropriations act for the Service (i.e., the budgetary shutdown has ended). No refund will be made for donations obligated in whole or in part by the Service.

Article V. KEY OFFICIALS

A. THE KEY CONTACT FOR THE NATIONAL PARK SERVICE IS:

1. Superintendent Robert Arnberger.
2. Deputy Park Superintendent Gary Cummins
3. Chief Ranger or other key official designated by the Service as a closure incident commander.

B. THE KEY CONTACT FOR THE STATE OF ARIZONA IS:

1. Director of the Arizona State Parks Board or his designee.
2. Director of the Arizona Department of Administration or his designee.

Article VII. TERM AND TERMINATION

A. This Agreement is in effect only during the period of budgetary shutdown of the Service and then only on the date notice is filed with the Arizona Secretary of State by the Service under paragraph III.C. of this Agreement, and shall terminate no later than upon enactment into law of either an annual appropriations bill for the Service or a bill or joint resolution that continues the

availability of appropriated funds for the Service for a temporary period pending the enactment of an annual appropriation act for the Service.

B. Notwithstanding the provisions of paragraph A of this Article, this Agreement shall have a term of not more than 30 days from the date of last signature executing this Agreement, and may not be extended except by the written agreement of both parties.

C. If either party fails to observe any of the terms and conditions of this Agreement, the other party may terminate this Agreement for default without any legal process whatsoever by giving one (1) day written notice of termination, effective at the end of the day thereafter. Provided however, except for the first donation, which will be provided by the State to the Service at a time mutually agreed to by the parties, the Agreement will be automatically and immediately terminated if the State fails to make the donation provided for in Article II at least twenty-four (24) hours in advance.

D. The obligations of the State under this Agreement are conditioned upon the availability of funds appropriated and allocated for donation to the Service. If funds are not allocated and available for the continuance of this Agreement, the Agreement shall automatically terminate at the end of the period for which

funds are available. No continuing liability shall accrue to the State in the event of such a termination except for the liability specified in Article II.B.3. for the period that this Agreement was effective. The State shall not be obligated to make any future donations or be liable for any future payments or for any damages as result of termination under this paragraph except for liability specified in Article II.B.3.

E. The Service shall retain all data, books and other records (herein "records") relating to this Agreement for a period of 5 years after termination of the Agreement. All records shall be subject at all reasonable times to inspection and audit by the State for this 5 year period. Upon request the Service shall provide, subject to the privacy requirements of the Administrative Procedures Act, 5 U.S.C. § 551 et seq., the original of any or all such records.

F. The State may, upon written notification to the Service, immediately cancel this Agreement without further obligation or penalty, pursuant to A.R.S. §38-511 if any person significantly involved in initiating, negotiating, securing, drafting, or creating this Agreement on behalf of the State or its departments or agencies is an employee or agent of an employee or agent of any other party in any capacity or consultant to any other party to this Agreement. Such cancellation shall be effective when written

notice from the Governor of the State is received by the Service, unless the notice specifies a later time.

G. In case any one or more of the provisions of this Agreement shall for any reason be held invalid, illegal or unenforceable in any respect, this Agreement is deemed terminated by the State and the Service.

H. Notwithstanding any other provision of this Agreement to the contrary, the indemnification provisions of paragraph II.B.3. shall survive the term of this Agreement, and shall survive any termination of the Agreement, regardless of the method of termination.

Article VIII. GENERAL PROVISIONS

A. This Agreement may be executed in separate counterparts, each of which when so executed shall be deemed an original, and such counterparts together shall constitute one instrument.

B. The parties mutually covenant and agree not to sue each other challenging the legal authority of either the State or the Service to enter into this Agreement, provided nothing herein shall be construed to prevent either party from suing to enforce this Agreement or seeking any other available remedy for breach of this

Agreement.

C. No member of or delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this Agreement or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this Agreement if made with a corporation for its general benefit.

D. For purposes of this Agreement, a day begins at 12:01 a.m. Mountain Standard Time.

E. All terms and conditions with respect to this Agreement are expressly contained herein, and the parties agree that no representative or agent of any party has made any representation or promise with respect to this Agreement not expressly contained herein.

F. The parties agree that clerical and typographical errors contained herein may be corrected upon notice to the other party.

G. This Agreement shall not, nor be deemed nor construed to, confer upon any person or entity, other than the parties hereto, any right or interest, including without limiting the generality of the foregoing, any third party beneficiary status or any right to enforce any provision of this Agreement.

H. This Agreement together with the exhibits hereto, all of which are incorporated into the Agreement by reference, may not be amended or modified in any respect whatsoever, except by an instrument in writing signed by both parties.

Agreed between the parties this

_____ day of _____.

_____

Arizona State Parks Board
State of Arizona

National Park Service
Department of the Interior

RESOLUTION BY THE ARIZONA STATE PARKS BOARD

WHEREAS, the State Parks Board (hereinafter referred to as "STATE") is authorized to enter into agreements with the federal government for the joint or cooperative protection of areas of natural features, scenic beauty, historical and scientific interest which are located on federal lands within the State if such areas are being administered for the STATE pursuant to an Intergovernmental Agreement; and

WHEREAS, the Grand Canyon National Park is an area of natural features, scenic beauty, historical and scientific interest and a national treasure that attracts visitors to Arizona from all over the world; and

WHEREAS visitors to the Grand Canyon National Park spend approximately $250 million in Arizona each year, thereby sustaining communities in Northern Arizona and generating approximately $12.5 million annually in sales tax revenue for the state such that there is a public benefit inuring to the STATE in the operation of the Park and that providing funds to the federal government for the Park's operations is for a public purpose and for valuable consideration that is equitable and reasonable; and

WHEREAS, the Grand Canyon National Park is operated by the National Park Service within United States Department of the Interior (hereinafter referred to as "INTERIOR"); and

WHEREAS, the National Park Service is unable to maintain operation of the Grand Canyon National Park during periods of budgetary shutdown of the federal government due to the lack of either an annual appropriations bill for the period for the INTERIOR and the lack of a bill or joint resolution continuing the availability of appropriations for INTERIOR for a temporary period pending the enactment of such an annual appropriations bill; and

WHEREAS, INTERIOR, through the National Park Service, is authorized to accept monies that further the goals of the National Park System.

NOW, THEREFORE, be it resolved that the Arizona State Parks Board authorizes the Executive Director of Arizona State Parks or his designee to enter into a donation agreement between the National Park Service and the State of Arizona by and through the Arizona State Parks Board.

Be it further resolved by the Arizona State Parks Board that M. Jean Hassell is authorized to sign this resolution on behalf of the Arizona State Parks Board.

DATE 12/15/95

SIGNATURE M. Hassell

FIFE SYMINGTON
Governor

RUDY SERINO
Director

ARIZONA DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
1700 WEST WASHINGTON • ROOM 601
PHOENIX, ARIZONA 85007
(602) 542-1500

December 15, 1995

Mr. Edward B. Cohen
Deputy Solicitor
U. S. Department of the Interior
1849 C Street, N.W.
Room 6354
Washington, D.C. 20240

Dear Mr. Cohen:

I have been made aware of your December 14, 1995, letter to Lisa Hauser of the Governor's Office in which you request a communication from the Department of Administration (DOA) with respect to indemnification. This is to advise you that this office has conferred with the Governor's Office, consulted with the State's insurance broker and reviewed the Attorney General's December 13, 1995 opinion on this issue together with the facts of this situation.

It is our conclusion that the circumstances involved in funding the operation of the Grand Canyon National Park during a period of federal budgetary shutdown are sufficiently compelling to warrant the State's agreement to indemnify the federal government for personal injury and property claims. I believe this commitment has been expressed to you by Ms. Hauser. In addition, this indemnification is covered pursuant to A.R.S. 41-621. Because the federal government's operation of the Grand Canyon National Park benefits the State but the federal government is in a more advantageous position than the State to perform this function under these circumstances, DOA has determined that the federal government may be insured pursuant to A.R.S. 41-621(A)(3). As stated in the Attorney General's December 13th letter to the Governor, this is a determination that DOA is authorized to make and, pursuant to A.R.S. 41-701(B), DOA acts through its Director.

Sincerely,

Rudy Serino
Director

From: Haze, Pam <pam_haze@ios.doi.gov>
Sent: Friday, October 04, 2013 8:15 AM
To: Bruce Sheaffer
Subject: Fwd: Were Grand Canyon and Carlsbad Cavern opened in 1995-1996 shutdown using donations?

---------- Forwarded message ----------
From: **Crutchfield, Craig** <Craig_Crutchfield@omb.eop.gov>
Date: Thu, Oct 3, 2013 at 6:10 PM
Subject: Were Grand Canyon and Carlsbad Cavern opened in 1995-1996 shutdown using donations?
To: Pam Haze <Pam_Haze@ios.doi.gov>, "Denise A. Flanagan (Denise_Flanagan@ios.doi.gov)" <Denise_Flanagan@ios.doi.gov>, "Adrianne Moss (Adrianne_Moss@ios.doi.gov)" <Adrianne_Moss@ios.doi.gov>, "Blake Androff (Blake_Androff@ios.doi.gov)" <Blake_Androff@ios.doi.gov>
Cc: "Burnett, Ben" <Benjamin_Burnett@omb.eop.gov>, "Hoef, Jennifer E." <Jennifer_E._Hoef@omb.eop.gov>

I vividly recall the Arizona governor's offer to use the National guard to keep open Grand Canyon, but I did not recall that park being opened again during the second shutdown of 1995-96 through the use of donated funds, as the article below suggests.

Blake, before you send the letter to the South Dakota governor, with a reference to not accepting donations in 1995, we should make sure that there were not cases back then where a park was opened through the use of donations.

GOVERNMENT SHUTDOWN: Obama admin dusts off Clinton's 1995 playbook

Robin Bravender and Emily Yehle, E&E reporters

Published: Thursday, October 3, 2013

Gridlock engulfed Capitol Hill, the gates at Grand Canyon were locked, and federal workers went home, wondering if they'd make their mortgage payments.

It was 1995.

The current federal shutdown is looking eerily like the scene nearly two decades ago, when the Clinton administration faced off against then-House Speaker Newt Gingrich. Then, like now, there was widespread outcry about access to

national parks, federal workers fretted over getting their paychecks, and Democratic agency heads hunkered down -- blaming it all on the GOP-led House.

Some of the headlines from the winter of 1995-96 might sound familiar.

"National parks shut down" was a Nov. 17, 1995, story from United Press International. "Budget impasse halts cleanup at Superfund sites," said a Jan. 5, 1996, story in the *Journal of Commerce*. A Jan. 6, 1996, headline in the Newark, N.J., *Star-Ledger* said, "Idled federal workers face own budget ills."

While the political disagreement was the same then as now -- Republicans wanted to cut the budget, and even used the debt ceiling as leverage -- the details differed. In 1995, House Republicans had a regular spending bill they wanted to pass, and the White House didn't like the cuts. This time around, politicians are fighting over an Obamacare rider; the stopgap funding bill is along for the ride.

But when it comes to PR, the Obama administration appears to be taking a page out of President Clinton's 1995 playbook.

Then -- as now -- the national parks were used as a poster child to tug on heartstrings across America and highlight the perils of the shutdown. Park rangers herded tourists out of Yosemite, Grand Canyon and Yellowstone and locked the gates in November under the first of two shutdowns in 1995. It sparked such an outcry that when the next shutdown began in December, Arizona and New Mexico found money to keep the Grand Canyon and Carlsbad Caverns national parks open.

The administration's strategy: Hunker down and blame the GOP as outrage grows over the lack of federal services. So far, agency heads have canceled their speaking plans and aren't launching any public relations offensives to rail against the shuttering of their offices.

EPA chief Gina McCarthy has had no public meetings since the shutdown began three days ago, according to her public schedule, and she canceled a speaking event scheduled for today. Interior Secretary Sally Jewell canceled her plans to travel to the Society of Environmental Journalists conference this week, and she's been working out of the agency's Washington headquarters, according to an agency spokeswoman.

Top agency officials took a similar approach the last time around.

"My recollection is that Carol [Browner] and all other political appointees at EPA were not engaged in public activities during the shutdown," said David Gardiner, who served as EPA's policy chief during the Clinton administration. "We were at EPA working on keeping the place running during the shutdown and not traveling or doing public activities."

Gardiner said one of then-EPA Administrator Browner's most pressing activities at the time was recording regular updates for employees who called in to check on the status of the shutdown.

But that strategy started to change as shutdowns became commonplace.

On the eve of the second shutdown in 1995, Vice President Al Gore visited a water treatment plant in Maryland to hammer the Republican budget for threatening water quality. Joined by Browner, he listed cuts to wastewater treatment funding, environmental programs and state drinking water funds.

"Safe, clean water is the first line of defense in protecting public health, protecting our children and our families, and protecting the basic values that are fundamental to the American quality of life," Gore said, according to a press release at the time. "We must not allow the Republican budget to roll back the progress of the past 25 years."

And at the end of December 1995, as the second shutdown continued, EPA officials started to speak out about the perils posed by Superfund sites that faced funding shortfalls.

"We're very concerned about the one-quarter of Americans who live within 4 miles of a Superfund site," Browner told Reuters in late December. EPA was on the cusp of halting work at sites except those that posed an "imminent threat" to public health or the environment.

From: Haze, Pam <pam_haze@ios.doi.gov>
Sent: Friday, October 04, 2013 8:58 AM
To: Bruce Sheaffer; Crutchfield, Craig
Subject: Fwd: Were Grand Canyon and Carlsbad Cavern opened in 1995-1996 shutdown using donations?

The letter was sent - sorry earlier email messages indicated that it hadn't been.

---------- Forwarded message ----------
From: **Foster, Maureen** <maureen_foster@nps.gov>
Date: Fri, Oct 4, 2013 at 8:55 AM
Subject: Re: Were Grand Canyon and Carlsbad Cavern opened in 1995-1996 shutdown using donations?
To: "Androff, Blake" <blake_androff@ios.doi.gov>
Cc: Suzanne Waldron <Sue_Waldron@nps.gov>, Michael Litterst <Mike_Litterst@nps.gov>, Katherine Kelly <Kate_Kelly@ios.doi.gov>, Pam Haze <Pam_Haze@ios.doi.gov>, Denise Flanagan <Denise_Flanagan@ios.doi.gov>, Adrianne Moss <Adrianne_Moss@ios.doi.gov>

It was sent yesterday

Maureen D. Foster
Chief of Staff
National Park Service
1849 C Street, NW, Room 3114
Washington, DC 20240
202.208.5970 (direct)
202.208.3818 (main)

EXPERIENCE YOUR AMERICA
The National Park Service cares for special places
saved by the American people,
so that all may experience our heritage.

On Fri, Oct 4, 2013 at 8:47 AM, Androff, Blake <blake_androff@ios.doi.gov> wrote:
Pam -- Looping NPS. I thought Maureen said this letter was sent last night. Can someone clarify?

---------- Forwarded message ----------
From: **Haze, Pam** <pam_haze@ios.doi.gov>
Date: Fri, Oct 4, 2013 at 8:18 AM
Subject: Re: Were Grand Canyon and Carlsbad Cavern opened in 1995-1996 shutdown using donations?
To: "Crutchfield, Craig" <Craig_Crutchfield@omb.eop.gov>
Cc: "Denise A. Flanagan (Denise_Flanagan@ios.doi.gov)" <Denise_Flanagan@ios.doi.gov>, "Adrianne Moss

(Adrianne_Moss@ios.doi.gov)" <Adrianne_Moss@ios.doi.gov>, "Blake Androff (Blake_Androff@ios.doi.gov)" <Blake_Androff@ios.doi.gov>, "Burnett, Ben" <Benjamin_Burnett@omb.eop.gov>, "Hoef, Jennifer E." <Jennifer_E._Hoef@omb.eop.gov>

We are holding on the letter - will revisit the statement of "similar offers" and we will send you our legal defense.

On Fri, Oct 4, 2013 at 8:02 AM, Haze, Pam <pam_haze@ios.doi.gov> wrote:
Craig we are going to send this letter this morning. Wanted to make sure you are aware.

On Thu, Oct 3, 2013 at 6:10 PM, Crutchfield, Craig <Craig_Crutchfield@omb.eop.gov> wrote:

I vividly recall the Arizona governor's offer to use the National guard to keep open Grand Canyon, but I did not recall that park being opened again during the second shutdown of 1995-96 through the use of donated funds, as the article below suggests.

Blake, before you send the letter to the South Dakota governor, with a reference to not accepting donations in 1995, we should make sure that there were not cases back then where a park was opened through the use of donations.

GOVERNMENT SHUTDOWN: Obama admin dusts off Clinton's 1995 playbook

Robin Bravender and Emily Yehle, E&E reporters

Published: Thursday, October 3, 2013

Gridlock engulfed Capitol Hill, the gates at Grand Canyon were locked, and federal workers went home, wondering if they'd make their mortgage payments.

It was 1995.

The current federal shutdown is looking eerily like the scene nearly two decades ago, when the Clinton administration faced off against then-House Speaker Newt Gingrich. Then, like now, there was widespread outcry about access to national parks, federal workers fretted over getting their paychecks, and Democratic agency heads hunkered down -- blaming it all on the GOP-led House.

Some of the headlines from the winter of 1995-96 might sound familiar.

"National parks shut down" was a Nov. 17, 1995, story from United Press International. "Budget impasse halts cleanup at Superfund sites," said a Jan. 5, 1996, story in the *Journal of Commerce*. A Jan. 6, 1996, headline in the Newark, N.J., *Star-Ledger* said, "Idled federal workers face own budget ills."

While the political disagreement was the same then as now -- Republicans wanted to cut the budget, and even used the debt ceiling as leverage -- the details differed. In 1995, House Republicans had a regular spending bill they wanted to

pass, and the White House didn't like the cuts. This time around, politicians are fighting over an Obamacare rider; the stopgap funding bill is along for the ride.

But when it comes to PR, the Obama administration appears to be taking a page out of President Clinton's 1995 playbook.

Then -- as now -- the national parks were used as a poster child to tug on heartstrings across America and highlight the perils of the shutdown. Park rangers herded tourists out of Yosemite, Grand Canyon and Yellowstone and locked the gates in November under the first of two shutdowns in 1995. It sparked such an outcry that when the next shutdown began in December, Arizona and New Mexico found money to keep the Grand Canyon and Carlsbad Caverns national parks open.

The administration's strategy: Hunker down and blame the GOP as outrage grows over the lack of federal services. So far, agency heads have canceled their speaking plans and aren't launching any public relations offensives to rail against the shuttering of their offices.

EPA chief Gina McCarthy has had no public meetings since the shutdown began three days ago, according to her public schedule, and she canceled a speaking event scheduled for today. Interior Secretary Sally Jewell canceled her plans to travel to the Society of Environmental Journalists conference this week, and she's been working out of the agency's Washington headquarters, according to an agency spokeswoman.

Top agency officials took a similar approach the last time around.

"My recollection is that Carol [Browner] and all other political appointees at EPA were not engaged in public activities during the shutdown," said David Gardiner, who served as EPA's policy chief during the Clinton administration. "We were at EPA working on keeping the place running during the shutdown and not traveling or doing public activities."

Gardiner said one of then-EPA Administrator Browner's most pressing activities at the time was recording regular updates for employees who called in to check on the status of the shutdown.

But that strategy started to change as shutdowns became commonplace.

On the eve of the second shutdown in 1995, Vice President Al Gore visited a water treatment plant in Maryland to hammer the Republican budget for threatening water quality. Joined by Browner, he listed cuts to wastewater treatment funding, environmental programs and state drinking water funds.

"Safe, clean water is the first line of defense in protecting public health, protecting our children and our families, and protecting the basic values that are fundamental to the American quality of life," Gore said, according to a press release at the time. "We must not allow the Republican budget to roll back the progress of the past 25 years."

And at the end of December 1995, as the second shutdown continued, EPA officials started to speak out about the perils posed by Superfund sites that faced funding shortfalls.

"We're very concerned about the one-quarter of Americans who live within 4 miles of a Superfund site," Browner told Reuters in late December. EPA was on the cusp of halting work at sites except those that posed an "imminent threat" to public health or the environment.

--

Blake Androff

Deputy Director of Communications
U.S. Department of the Interior
Office: (202) 208-6416 | Cell: (202) 725-7435

From: Lena McDowall <lena_mcdowall@nps.gov>
Sent: Friday, October 04, 2013 10:16 AM
To: Bruce Sheaffer
Subject: Fwd: Tusayan council and local businesses pledge $325,000 in hopes to reopen Grand Canyon National Park

Sent from my iPhone

Begin forwarded message:

From: Derrick Crandall <dcrandall@funoutdoors.com>
Date: October 4, 2013, 9:22:24 AM EDT
To: "Jon Jarvis (Jon_Jarvis@nps.gov)" <Jon_Jarvis@nps.gov>
Cc: "Peggy O'Dell (Peggy_O'Dell@nps.gov)" <Peggy_O'Dell@nps.gov>, "Lena McDowall (Lena_McDowall@nps.gov)" <Lena_McDowall@nps.gov>, "Sue Waldron (Sue_Waldron@nps.gov)" <Sue_Waldron@nps.gov>
Subject: FW: Tusayan council and local businesses pledge $325,000 in hopes to reopen Grand Canyon National Park

Offers like these need to be addressed nationally. Can we talk ASAP?

Derrick

Tusayan council and local businesses pledge $325,000 in hopes to reopen Grand Canyon National Park

AZ News | *October 3 2013*

By Clara Beard

TUSAYAN, Ariz. – The town of Tusayan, which sits just outside the gates of Grand Canyon National Park, generated more than $290,000 in sales tax in October of last year. But the money won't be coming in this year, thanks to the federal government shutdown.

"Everyday, it impacts us," Tusayan mayor Greg Bryan said about the shutdown. 'This national park has no interest or willingness to allow us to provide them funding."

A few days ago, Tusayan's Red Feather Properties pledged $25,000 to help keep the park open, and encouraged other businesses to follow suite. As of yesterday, local businesses generated around $125,000 to help reopen the park. Coupled with the town's commitment, that sum totals $325,000.

But, even with those financial promises, park officials say they aren't accepting third-party donations.

At Tusayan's council meeting last night, Grand Canyon National Park Superintendent Dave Uberuaga said that the park wasn't allowed to accept any third-party donations to re-open the park. Currently, the council is trying to find out who made that call.

"If it is a policy, we need to ask, when did it take place? When was it put into place? It was obviously not in place in 1995 when the funds were provided," Bryan said.

During the 1995 federal shutdown, then Governor Fife Symington gathered state resources and private donations to keep the park partially open for 21 days.

"Some have reflected back on the 1995 event, and say 'well, we did it then, why can't we do it now,'" Uberuaga told council members. "Bottom line, any third-party funding of the national park opening will not occur. This is a fundamental core operation of the federal government provided for by government appropriations by the U.S. Congress."

The town has calls out to Flagstaff Mayor Jerry Nabours, Williams Mayor John Moore and Sedona Mayor Rob Adams to see if they can help Tusayan's cause.

The Grand Canyon Trust's Roger Clark has offered his support. Arizona Department of Transportation and Coconino County Supervisor Art Babbot said they will help however they can.

Speaker of the House Andy Tobin also gave Tusayan his full support. Bryan said that Tobin believes the state has up to half a million dollars to give in this sort of situation.

"Speaker Andy Tobin told us tonight that our governor is in favor, the governor wants to do something, she just keeps being told, 'no there's nothing, no there's nothing,' we just need to get this thing moving sooner than later," Bryan said.

Council member Bill Fitzgerald asked how the town would estimate how much it would cost per day to keep the park running.

Bryan said a rough estimate is $19,000 a day.

"We're not going to get an estimate from the superintendent because he's not going to want to provide any sense of support for the action, so we'll have to guess," Bryan said. "We figure $25,000 a day. Bare

in mind we're not talking just our monies; we're talking hopefully several hundred thousand from the state. I don't think we would enter into anything without that backing."

Council member John Rueter said the town must pursue a partial opening to the fullest.

"I think Tusayan needs to lead, in this case, the effort to get the park open," Rueter said. "We have a contingency plan in our budget for economic disasters, and this is very quickly becoming an economic disaster."

While legislators continue to squabble in Washington, Bryan said the town will work to find a way to reopen the park.

"It's our intent to push it," Bryan said.

Derrick A. Crandall, Counselor
National Park Hospitality Association
1200 G Street, N.W. Suite 650
Washington, D.C. 20005
202-682-9530, F 202-682-9529
www.parkpartners.org

From: Campbell, Colin <colin_campbell@nps.gov>
Sent: Friday, October 04, 2013 11:43 AM
To: Bruce Sheaffer
Subject: Fwd: State pressure to open GRCA continues all day.

fyi

---------- Forwarded message ----------
From: **David Uberuaga** <dave_uberuaga@nps.gov>
Date: Thu, Oct 3, 2013 at 5:46 PM
Subject: State pressure to open GRCA continues all day.
To: Colin Campbell <Colin_Campbell@nps.gov>, Diane Chalfant <Diane_Chalfant@nps.gov>

Colin,
Had several reporters asking why Grand Canyon wouldn't accept State Money. AZ state speaker of the house, Andy Tobin called to discuss state Legislation that would allow state funds to be transferred to Grand Canyon. He was upset when I explained that I appreciated the gesture but that I would not accept the state funds to re-open Grand Canyon. He asked if I had my marching orders from Washington DC and if we could work out something for the State of Arizona. I reiterated my position and that of the NPS Director that only federal appropriations would re-open the park. He didn't want to accept the position and would be talking to the Governor's office about other options. NO worries just a heads up for you.
The Town Council of Tusayan are making plans to Authorize town funds to be made available in case there are any new developments. I attended their emergency town council meeting and explained the park's position. "The park is closed and while I appreciate the gesture to help fund a re-opening, only federal appropriations will get the park reopened. third party funding will not be accepted to replace federal appropriations. "
FYI
No need to send back up troops.
Dave

Dave Uberuaga
Superintendent,
Grand Canyon National Park Dave_Uberuaga@nps.gov.
928-606-7802 Cell

Sent from my I phone

Begin forwarded message:

> **From:** Kirby-Lynn Shedlowski <kirbylynn_shedlowski@nps.gov>
> **Date:** October 3, 2013, 3:53:25 PM MST
> **To:** "dave_uberuaga@nps.gov" <dave_uberuaga@nps.gov>
> **Subject: Fwd: fyi**
>
> For when you call Howie Fisher.
>
> Sent from my iPhone

Kirby-Lynn Shedlowski
Public Affairs Specialist
Grand Canyon National Park
928-606-9905 mobile
929-638-7958 office

Begin forwarded message:

From: - Capitol Media Services <capmedia@hotmail.com>
Date: October 3, 2013, 3:36:37 PM MST
To: "kirbylynn_shedlowski@nps.gov" <kirbylynn_shedlowski@nps.gov>
Subject: fyi

here's what i wrote in 1995. (sometimes it's good to be on the same beat for a long time.)

feel free to share this with the superintendent.

thanks. looking forward to his call.

-- howie fischer
capitol media services
capmedia@hotmail.com

602-390-1850

State deal to keep Grand Canyon open
Howard Fischer, Capitol Media Services
Publication Date: December 19, 1995 Page: 1A Section: NEWS Edition: tue

PHOENIX - It will still be Grand Canyon National Park.
But beginning tomorrow, it will be sponsored by Phoenix developer John F. Long.
U.S. Department of Interior officials signed an agreement last night allowing the state to pay federal employees and keep part of the park open until a federal budget is signed.
State officials said they will sign the accord this morning.
The pact does not officially take effect until tomorrow morning, but visitors still will be able to see the Canyon today. The gates remain open, but there is no one to collect admission fees or provide information.
Under the deal, Arizona will put $17,000 into a federal account each day. It costs an estimated $17,000 a day for staff to provide public access to most of the park's popular areas. The state also will indemnify the federal government for any lawsuits filed against it by park visitors.
Although Mather Point, Grand Canyon Village, the hotels and the concessions are open, visitors will not be allowed to hike into the Canyon or float down the Colorado River.
Ellen Bonnin-Bilbrey, spokeswoman for the Arizona State Parks Department, said money for the first three days will come from Long, who last week agreed to contribute $52,875 to keep the park open.

If there still is no budget accord by Friday night, then the deposit for the weekend will come from the state Parks Department. Bonnin-Bilbrey said there is enough allocated for another 12 days of operation.
Gov. Fife Symington said if there still is no budget accord when those funds run out, he will find additional cash to keep the park operating until Congress approves a new budget or a continuing resolution to let closed agencies reopen while negotiations continue.
The deal actually could provide a windfall for the Department of Interior.
In the past, whenever a federal agency was shut down, the workers were paid for their time off after a new budget was approved. In this case, the workers will have been paid - with state dollars.
Lisa Hauser, the governor's counsel, said federal law does not allow the Interior Department to reimburse the state.
But she said state officials still believe the pact is a good deal because Arizona could lose more in tourist dollars from a closed Canyon than the $17,000 a day it costs to keep it open.
The 1.2 million-acre park - which attracts nearly 5 million visitors a year - was closed for four days last month, the first closure in the park's 76-year history.

--
Colin Campbell
Deputy Regional Director, Operations
P.O. Box 25287
12795 W. Alameda Pkwy
Denver, CO 80225-0287
303-969-2800
303-969-2785 Fax

From: David Uberuaga <dave_uberuaga@nps.gov>
Sent: Friday, October 04, 2013 12:25 PM
To: Bruce Sheaffer
Subject: Bruce-GRCA info 1 of 3 emails (11/17/1995 Solicitor Leshy letter to AZ Governor
Attachments: img-X04121721-0001.pdf

Sent from my iPad

Begin forwarded message:

> **From:** INPGRCASCIEMS <INPGRCASCIEMS@nps.gov>
> **Date:** October 4, 2013 9:17:21 AM PDT
> **To:** <dave_uberuaga@nps.gov>, <diane_chalfant@nps.gov>, <kirbylynn_shedlowski@nps.gov>
> **Subject: Scan from INPGRCASCIEMS**
> **Reply-To:** <INPGRCASCIEMS@nps.gov>
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United States Department of the Interior

OFFICE OF THE SOLICITOR

November 17, 1995

Honorable Fife Symington
Governor
State of Arizona
Phoenix, Arizona 85007

Dear Governor Symington:

I am responding to your letter to Secretary Babbitt of yesterday offering an arrangement under which the State would help keep Grand Canyon National Park open until Congress passes acceptable bills that would provide federal funds for Park operations.

We too share your concern that Grand Canyon, along with many other federal facilities, is shut down by Congress's failure to provide appropriations. The Park could be opened immediately if the Congress passed the President's Continuing Resolution. We are, however, without legal authority to carry out the proposal contained in your letter.

First, your proposal encompasses making state personnel available to perform some Park functions. I should note that the Secretary has the statutory responsibility for insuring that the Parks are operating in a safe and sound manner, consistent with federal law and regulations, and to manage their resources in such a way as to preserve them for future generations. See 16 U.S.C. § 1 et seq. The National Park Service has highly professional personnel who are trained in carrying out these important responsibilities. The Secretary cannot delegate or allow those responsibilities to be carried out by personnel not trained or familiar with these obligations.

Second, because we have no lawfully appropriated funds to operate the Park, the Department of the Interior is precluded from entering into any arrangement with the State of Arizona that would have the effect of obligating funds, regardless of amount, that have not yet been made available. This principle is a fundamental part of federal law - the Antideficiency Act. 31 U.S.C. § 1341.

Applying this principle to your proposal, so long as the shutdown continues, the Park could not be reopened under any arrangement that would result in a cost to the National Park Service over and above the current emergency law enforcement presence. While your letter offers to pay at least some of the salaries of federal employees, operating the Park involves significantly more costs than this; e.g., significant infrastructure costs such as for power, water, sewer, and maintenance. It also carries with it substantial liability costs.

Your proposal to use entrance fees as a partial offset of costs, with the State retaining 50% of the fees, cannot be done. Under the provisions of the Land and Water Conservation Fund Act,

16 U.S.C. § 460l-6a, only 15% of the entrance fees may be retained by the Secretary to cover the costs of fee collection only. The remainder of the fees must be deposited into a special account in the Treasury for further appropriation by law.

The National Park Service does have special statutory authority to receive gifts that further the purposes and goals of the National Park System. It is conceivable that, if the State were willing to do so, and had the authority to do so under State law, we could explore the possibility of having the State donate to the National Park Service enough money to operate the Park during the shutdown.

In order not to run afoul of the Antideficiency Act, it would seem that the donation would have to include all the costs of Park operations, including salaries, benefits, infrastructure costs, utilities, and general and administrative costs. Moreover, it may also have to include a promise to save and hold harmless the United States from legal claims that arise. It would also have to be made in advance for a specified number of days. In effect, the State would have to provide a level of funding that the National Park Service would otherwise need through an appropriations enactment to operate the Park.

I do not want to minimize the practical and legal difficulties that might arise, were you to make a specific proposal along these lines. We are in uncharted territory here, and cannot proceed lightly. There are likely many legal issues I cannot now anticipate that will arise if we were to try to use this gift authority as a way for the State to fund operation of the Park during the period of shutdown.

If you are interested in making a specific proposal that meets the legal concerns I've expressed, we are available to meet with your lawyers in Washington to discuss it. I know you share our hope that the Congress will pass acceptable appropriation bills that would end the governmental shutdown.

Sincerely,

John D. Leshy
Solicitor

cc: Honorable Grant Woods

From: David Uberuaga <dave_uberuaga@nps.gov>
Sent: Friday, October 04, 2013 12:31 PM
To: Bruce Sheaffer
Subject: Bruce 2 of 3, GRCA letter to Bruce Sheaffer
Attachments: img-X04121752-0001.pdf

Sent from my iPad

Begin forwarded message:

> **From:** INPGRCASCIEMS <INPGRCASCIEMS@nps.gov>
> **Date:** October 4, 2013 9:17:52 AM PDT
> **To:** <dave_uberuaga@nps.gov>, <diane_chalfant@nps.gov>, <kirbylynn_shedlowski@nps.gov>
> **Subject: Scan from INPGRCASCIEMS**
> **Reply-To:** <INPGRCASCIEMS@nps.gov>
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> Please open the attached document. It was scanned and sent to you using INPGRCASCIEMS.
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> Number of Images: 2
> Attachment File Type: PDF
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> Device Name: INPGRCASCIEMS
> Device Location: INP\IMR GRCA SCI South Rim EMS
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December 27, 1995

Memorandum

To: Bruce Sheaffer

From: Deputy Superintendent, Grand Canyon National Park

Subject: Agreement With State of Arizona for Partial Opening

As of this date, our daily operating figure is around $11,500. This figure is subject to further analysis and modification for such things as overtime rates, cost of personnel benefits, etc. Due to a very limited administrative staff, final figures will not be available until Tuesday, January 2 at the earliest.

It seems we have three options readily available. Consideration of these options should keep in mind the Arizona political climate. Governor Fife Symington should be viewed as a political figure whose political agenda includes the limitation of federal authority in his state and who would relish the opportunity to find fault with the manner in which state funds were expended during the so-called limited opening of Grand Canyon National Park.

Option One: We stick to our $17,625 figure. When the total contribution from Arizona based on that daily estimate runs out, we cancel the limited opening and move to a hard closure, unless additional funds are forthcoming.

Pro: The $17,625 is what the state agreed to. The state was informed up front that the figure was our best estimate only, and took into consideration the need to plan for unanticipated emergencies, such as SARs, fires, major EMS, etc.

Con: It might be legal, but also seen as unfair. Any audit will clearly show a fairly significant difference between our estimated daily expenditure and the actual. This will provide the Governor with additional ammunition to use against us and the federal government in general, (i.e., --"they can't be trusted."). We would lose in the court of public opinion.

Option Two: We continue to use the $17,625 figure as an amount that includes our actual costs plus a contingency for unanticipated emergencies. Each day that such an emergency does **not** occur, we subtract our actual costs from the estimate, then move the surplus

forward to "buy" additional days on the agreement. An important note is that we should continue to use $17,625 as the cost of each day of the limited opening. We must have the extra funding available in the event of an emergency.

Pro: The state's primary goal for establishing the fund was to keep Grand Canyon open. By extending the number of days, we are in sync with the state's wishes. This approach also passes the common sense test -- its what everyone wants and it shows we are being open and cooperative in attempting to meet the state's goal. The use of an amount of the funding to meet unanticipated demands is also reasonable and defensible. Grand Canyon National Park can certainly point to a history of unanticipated emergencies -- even within the past year.

Con: It opens the agreement up to further negotiation. A danger is that our actual operating cost (now pegged at about $11,500) would become the figure used for extending the period of time for the limited opening, thus eliminating the important contingency fund. When and if the negotiations occur, we need to have a savvy operations person at the table.

Option 3: At the end of each week of the limited opening, we calculate our actual operating costs vs the estimated $17,625. We then remit to the state the difference. In some instances, unanticipated emergencies may have used some of the "surplus," which we would retain. At the end of the time that funds were allocated for (January 3), if no solution has been found for the budget impasse, we go to hard closure.

Pro: Easy to do from the park's end. The books are kept up to date and clear, and our relationship with the state remains good. It also passes the common-sense test and would appeal to the man in the street.

Con: From everything we hear from the state, this would not be preferable to keeping the park open on a longer period of time. Also, the return of the donated funds would be an exception to our donation policy. The procedure would be awkward and could lead to quibbling with the state on how much we require to operate the park, poor estimates, etc. Finally, it could place the state in an uncomfortable position of what to do with the monies returned. Would Arizona need to return the funds to donors, or keep it?

Recommendation: Option Two. We renegotiate the agreement, and try to stretch the available funds as far as we can to keep the park open, while continuing to use the $17,625 as the estimated daily cost, including contingency funds.

Gary Cummins

From: David Uberuaga <dave_uberuaga@nps.gov>
Sent: Friday, October 04, 2013 12:36 PM
To: Bruce Sheaffer
Subject: Bruce, 3 of 3 cover sheet on donation agreement
Attachments: img-X04121819-0001.pdf

I have the full agreement if you want a copy.
Dave

Sent from my iPad

Begin forwarded message:

> **From:** INPGRCASCIEMS <INPGRCASCIEMS@nps.gov>
> **Date:** October 4, 2013 9:18:19 AM PDT
> **To:** <dave_uberuaga@nps.gov>, <diane_chalfant@nps.gov>, <kirbylynn_shedlowski@nps.gov>
> **Subject: Scan from INPGRCASCIEMS**
> **Reply-To:** <INPGRCASCIEMS@nps.gov>
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00050677 NPS-20240-000014 (0032) Page 1 of 1

United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

December 18, 1995

Via Facsimile: 602-542-7601

Ms. Lisa Hauser
Office of Governor Fife Symington
1700 West Washington
Phoenix, Arizona 85007

Dear Lisa:

Attached please find the Donation Agreement Between the National Park Service and the State of Arizona with respect to Grand Canyon National Park. It has been executed by National Park Service Director Roger Kennedy. Please obtain the appropriate signature from the Arizona State Parks Board and fax back the entire Agreement in executed and dated form. We will discuss tomorrow the exchange of originals.

As I discussed on the telephone, the Park is now in the process of implementing the so-called "hard shut down" scenario. As a result, if the Park is to remain open pursuant to the Agreement, the first day for which Arizona must contribute funds to partially underwrite the operation of the Park is Wednesday, December 20, 1995. Pursuant to Article VII.C, I propose that the payment for that day be wired no later than 12:00 p.m. Mountain Standard Time on Tuesday, December 19, 1995. In the event the shutdown continues to Thursday, December 21, 1995, the State's payment would be due no later than 12:01 a.m. on Wednesday December 20, 1995.

I appreciate the professionalism and thoughtfulness that you have demonstrated during the course of these discussions and look forward to the opportunity of meeting you face-to-face some day. Please telephone me should you have questions about the agreement.

Sincerely,

Edward B. Cohen
Deputy Solicitor

cc: Roger Kennedy
Rob Arnberger

From: David Uberuaga <dave_uberuaga@nps.gov>
Sent: Friday, October 04, 2013 1:29 PM
To: Bruce Sheaffer
Subject: Bruce , GRCA 12/95 Donation agreement between NPS & State Of AZ .Fwd: Scan from INPGRCASCIEMS
Attachments: img-X04130811-0001.pdf

Dave Uberuaga
Superintendent,
Grand Canyon National Park Dave_Uberuaga@nps.gov.
928-606-7802 Cell

Sent from my I phone

Begin forwarded message:

> **From:** INPGRCASCIEMS <INPGRCASCIEMS@nps.gov>
> **To:** "dave_uberuaga@nps.gov" <dave_uberuaga@nps.gov>, "diane_chalfant@nps.gov" <diane_chalfant@nps.gov>, "kirbylynn_shedlowski@nps.gov" <kirbylynn_shedlowski@nps.gov>
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DONATION AGREEMENT

Between

The

NATIONAL PARK SERVICE

and the

STATE OF ARIZONA

This Donation Agreement (herein "Agreement") is made and entered into between the State of Arizona, acting through its authorized departments and agencies (herein "State"), and the United States of America, acting through the National Park Service of the U.S. Department of the Interior (herein "Service").

WHEREAS, the Grand Canyon National Park (herein "Park") is an international treasure that attracts visitors to Arizona from all over the world and whose spending plays a major role in the economic vitality of the region; and

WHEREAS, the Park is managed and administered by the National Park Service as a unit of the National Park System and is a World Heritage Site; and

WHEREAS, the Service closed the Park in November of 1995 due to the failure of Congress to enact a bill appropriating funds for National Park Service purposes (hereafter, "budgetary shutdown"); and

WHEREAS, the State benefits from keeping the park open, rather than having the park closed again during another period of a budgetary shutdown; and

WHEREAS, the State and the Service wish to enter into a short-term agreement, to address this unique budgetary situation, under which the Service would operate the park, not with appropriated funds, but with funds donated by the State; and

WHEREAS, the State Parks Board is authorized to enter into agreements with the federal government for the joint or cooperative protection of areas of natural features, scenic beauty, historical and scientific interest which are located on federal lands within the State if such areas are being administered in a manner which benefits the State pursuant to such an agreement; and

WHEREAS, the Grand Canyon National Park is an area of natural

features, scenic beauty, historical and scientific interest and a national treasure that attracts visitors to Arizona from all over the world; and

WHEREAS, in the event of a full and complete budgetary shutdown, this Agreement is intended to provide the means of continuing public visitation to a designated portion of the Park during the budgetary shutdown period through the donation of funds by the State to the Service; and

WHEREAS, without appropriated funds to operate the Park, the Service is precluded by the Anti-Deficiency Act, 31 U.S.C. § 1341, from undertaking any activities or entering into any arrangements that would have the effect of obligating directly or indirectly federal funds, regardless of amount, that have not yet been made available to the Service through the Interior Department Appropriations Act, except for emergency activities; and

WHEREAS, any operation of the Park, with either appropriated or donated funds, must satisfy the statutory responsibility for insuring visitor safety as well as preserving and protecting Park resources for future generations, consistent with federal law and regulations, 16 U.S.C. §1 et seq., and this responsibility for preserving and protecting park resources is best undertaken by the Service's professional employees, trained in the preservation of

park resources and visitor protection; and

WHEREAS, the Park is a destination park, where many visitors have made long term advance reservations or special arrangements for visiting, and may never again have the opportunity to view this scenic wonder; and

WHEREAS, the Park is uniquely configured, unlike other areas of the National Park System, to facilitate at least a partial use of the South Rim of the Park, even though the visitor experience will be compromised and the resources of the park not fully interpreted; and

WHEREAS, it is the intention of the State and the Service that under the terms of this Agreement the State will make a donation of the funds deemed necessary by the Service to open a designated portion of the Park to visitor use, and the Service will accept and expend the donation in accordance with the terms of this Agreement; and

WHEREAS, there is a public benefit inuring to the State in the operation of the Park and that providing funds to the federal government for the Park's operations is for a public purpose and for valuable consideration that is equitable and reasonable;

NOW THEREFORE, in consideration of the mutual promises of the State and the Service as set forth in this Agreement, the parties do hereby agree as follows:

Article I. <u>Authority</u>

A. The Service is statutorily authorized to accept donations that further the purposes and goals of the National Park System, 16 U.S.C. §6, including the acceptance of a donation of funds from the State for the Service to continue operation of the Park during a budgetary shutdown due to lack of appropriated funds.

B. The State has by opinion of the Attorney General of Arizona represented to the Service that it has the legal authority to donate public funds to the Service for the continued operation of the Park, and to indemnify the Service during the budgetary shutdown period.

C. The State acting through:

1. The Arizona State Parks Board, A.R.S. §§ 41-511.03,41-511.04 and 41-511.05, has adopted appropriate resolutions, which are appended hereto as Exhibit A, and has taken necessary actions to implement these legal authorities in order to provide funding to the Service, and

2. The Department of Administration, A.R.S. § 14-621(A)(3), has made appropriate determinations, which are appended hereto as Exhibit B, to implement these authorities to assure that the United States will be indemnified against any and all claims, judgments, awards and costs, as set forth in this Agreement.

Article II. Statement of Obligations

A. THE NATIONAL PARK SERVICE AGREES IN THE EVENT OF A FULL AND COMPLETE BUDGETARY SHUTDOWN:

1. To accept donations from the State, by electronic transfer, and to deposit the donations in the appropriate donation account in the United States Treasury for use pursuant to this Agreement. The Service will provide necessary account numbers and instructions to effect the electronic transfer.

2. To keep open to public use only the designated portion of the Park identified in this Agreement, and to manage the identified portion in accordance with the Service's legal authorities, policies and guidelines. The Park area to remain open is the Canyon Village Area and access thereto, as designated on a map appended hereto as Exhibit C to this

Agreement (hereinafter "Canyon Village Area").

3. To keep open to the public during the budgetary shutdown period all restaurants and overnight accommodations located in the Canyon Village Area of the Park; provided however, all other concession facilities and operations will be closed.

4. To keep entrance stations open for public information purposes, but to refrain from collecting entrance fees during the shutdown period.

5. To retain full responsibility for the administration of the Park as well as the funds provided by the State pursuant to this Agreement.

B. **THE STATE OF ARIZONA AGREES IN THE EVENT OF A FULL AND COMPLETE BUDGETARY SHUTDOWN:**

1. To provide donations to the Service in the amounts set forth in this Agreement, which the parties agree must provide full funding, other than for emergency personnel, to support all direct and indirect costs incurred or which may be incurred by the Service as a result of keeping open to visitor use those designated portions of Park during a budgetary

shutdown period. The parties agree that the donation amount set forth this is Agreement shall be Seventeen Thousand Six Hundred Twenty Five Dollars ($17,625.00) per day or any portion thereof.

2. To provide the Service at least twenty-four (24) hours in advance the funds necessary to cover the costs agreed to by the parties to keep open the designated portion of the Park.

3. To indemnify, save and hold harmless, and to provide complete cooperation with, as well as provide such assistance as may be required by the United States, with respect to any and all claims, lawsuits, damages, losses, judgments, workmen's compensation claims, and expenses, including attorney fees and litigation costs, arising out of, or from, or associated in any manner with any omission or activity as a result of the Service keeping open the Park under this Agreement. Provided, however, the State is not liable for any purchases or contracts entered into by the Service prior to the implementation of this Agreement.

Article III. GENERAL TERMS OF AGREEMENT.

A. All areas of the Park other than the Canyon Village Area shall be closed, and the Service will use its best efforts to keep the

visiting public from using all closed areas of the Park, including using the trails within the Park and floating the Colorado River within the Park.

B. Donations to the Service are conditioned upon receipt by the State of confirmation of the existence of a budgetary shutdown, which confirmation will be provided by the Service in writing. Notwithstanding any other provisions of this Agreement to the contrary, none of the obligations of the parties under this Agreement will be effective until the Service provides this notice of budgetary shutdown.

C. The Service will refund to the State only those advanced funds electronically transferred to the Service for a particular day(s) for which appropriated funds have subsequently been made available for that subsequent day(s) by either an annual appropriations for the Service or a bill or joint resolution that continues operations for a temporary period pending the enactment of an annual appropriations act for the Service (i.e., the budgetary shutdown has ended). No refund will be made for donations obligated in whole or in part by the Service.

Article V. KEY OFFICIALS

A. THE KEY CONTACT FOR THE NATIONAL PARK SERVICE IS:

1. Superintendent Robert Arnberger.
2. Deputy Park Superintendent Gary Cummins
3. Chief Ranger or other key official designated by the Service as a closure incident commander.

B. THE KEY CONTACT FOR THE STATE OF ARIZONA IS:

1. Director of the Arizona State Parks Board or his designee.
2. Director of the Arizona Department of Administration or his designee.

Article VII. TERM AND TERMINATION

A. This Agreement is in effect only during the period of budgetary shutdown of the Service and then only on the date notice is filed with the Arizona Secretary of State by the Service under paragraph III.C. of this Agreement, and shall terminate no later than upon enactment into law of either an annual appropriations bill for the Service or a bill or joint resolution that continues the

availability of appropriated funds for the Service for a temporary period pending the enactment of an annual appropriation act for the Service.

B. Notwithstanding the provisions of paragraph A of this Article, this Agreement shall have a term of not more than 30 days from the date of last signature executing this Agreement, and may not be extended except by the written agreement of both parties.

C. If either party fails to observe any of the terms and conditions of this Agreement, the other party may terminate this Agreement for default without any legal process whatsoever by giving one (1) day written notice of termination, effective at the end of the day thereafter. Provided however, except for the first donation, which will be provided by the State to the Service at a time mutually agreed to by the parties, the Agreement will be automatically and immediately terminated if the State fails to make the donation provided for in Article II at least twenty-four (24) hours in advance.

D. The obligations of the State under this Agreement are conditioned upon the availability of funds appropriated and allocated for donation to the Service. If funds are not allocated and available for the continuance of this Agreement, the Agreement shall automatically terminate at the end of the period for which

funds are available. No continuing liability shall accrue to the State in the event of such a termination except for the liability specified in Article II.B.3. for the period that this Agreement was effective. The State shall not be obligated to make any future donations or be liable for any future payments or for any damages as result of termination under this paragraph except for liability specified in Article II.B.3.

E. The Service shall retain all data, books and other records (herein "records") relating to this Agreement for a period of 5 years after termination of the Agreement. All records shall be subject at all reasonable times to inspection and audit by the State for this 5 year period. Upon request the Service shall provide, subject to the privacy requirements of the Administrative Procedures Act, 5 U.S.C. § 551 et seq., the original of any or all such records.

F. The State may, upon written notification to the Service, immediately cancel this Agreement without further obligation or penalty, pursuant to A.R.S. §38-511 if any person significantly involved in initiating, negotiating, securing, drafting, or creating this Agreement on behalf of the State or its departments or agencies is an employee or agent of an employee or agent of any other party in any capacity or consultant to any other party to this Agreement. Such cancellation shall be effective when written

notice from the Governor of the State is received by the Service, unless the notice specifies a later time.

G. In case any one or more of the provisions of this Agreement shall for any reason be held invalid, illegal or unenforceable in any respect, this Agreement is deemed terminated by the State and the Service.

H. Notwithstanding any other provision of this Agreement to the contrary, the indemnification provisions of paragraph II.B.3. shall survive the term of this Agreement, and shall survive any termination of the Agreement, regardless of the method of termination.

Article VIII. GENERAL PROVISIONS

A. This Agreement may be executed in separate counterparts, each of which when so executed shall be deemed an original, and such counterparts together shall constitute one instrument.

B. The parties mutually covenant and agree not to sue each other challenging the legal authority of either the State or the Service to enter into this Agreement, provided nothing herein shall be construed to prevent either party from suing to enforce this Agreement or seeking any other available remedy for breach of this

Agreement.

C. No member of or delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this Agreement or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this Agreement if made with a corporation for its general benefit.

D. For purposes of this Agreement, a day begins at 12:01 a.m. Mountain Standard Time.

E. All terms and conditions with respect to this Agreement are expressly contained herein, and the parties agree that no representative or agent of any party has made any representation or promise with respect to this Agreement not expressly contained herein.

F. The parties agree that clerical and typographical errors contained herein may be corrected upon notice to the other party.

G. This Agreement shall not, nor be deemed nor construed to, confer upon any person or entity, other than the parties hereto, any right or interest, including without limiting the generality of the foregoing, any third party beneficiary status or any right to enforce any provision of this Agreement.

H. This Agreement together with the exhibits hereto, all of which are incorporated into the Agreement by reference, may not be amended or modified in any respect whatsoever, except by an instrument in writing signed by both parties.

Agreed between the parties this

_____ day of _____.

_____

Arizona State Parks Board
State of Arizona

National Park Service
Department of the Interior

RESOLUTION BY THE ARIZONA STATE PARKS BOARD

WHEREAS, the State Parks Board (hereinafter referred to as "STATE") is authorized to enter into agreements with the federal government for the joint or cooperative protection of areas of natural features, scenic beauty, historical and scientific interest which are located on federal lands within the State if such areas are being administered for the STATE pursuant to an Intergovernmental Agreement; and

WHEREAS, the Grand Canyon National Park is an area of natural features, scenic beauty, historical and scientific interest and a national treasure that attracts visitors to Arizona from all over the world; and

WHEREAS visitors to the Grand Canyon National Park spend approximately $250 million in Arizona each year, thereby sustaining communities in Northern Arizona and generating approximately $12.5 million annually in sales tax revenue for the state such that there is a public benefit inuring to the STATE in the operation of the Park and that providing funds to the federal government for the Park's operations is for a public purpose and for valuable consideration that is equitable and reasonable; and

WHEREAS, the Grand Canyon National Park is operated by the National Park Service within United States Department of the Interior (hereinafter referred to as "INTERIOR"); and

WHEREAS, the National Park Service is unable to maintain operation of the Grand Canyon National Park during periods of budgetary shutdown of the federal government due to the lack of either an annual appropriations bill for the period for the INTERIOR and the lack of a bill or joint resolution continuing the availability of appropriations for INTERIOR for a temporary period pending the enactment of such an annual appropriations bill; and

WHEREAS, INTERIOR, through the National Park Service, is authorized to accept monies that further the goals of the National Park System.

NOW, THEREFORE, be it resolved that the Arizona State Parks Board authorizes the Executive Director of Arizona State Parks or his designee to enter into a donation agreement between the National Park Service and the State of Arizona by and through the Arizona State Parks Board.

Be it further resolved by the Arizona State Parks Board that M. Jean Hassell is authorized to sign this resolution on behalf of the Arizona State Parks Board.

DATE 12/15/95

SIGNATURE M. Hassell

FIFE SYMINGTON
Governor

RUDY SERINO
Director

ARIZONA DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
1700 WEST WASHINGTON • ROOM 601
PHOENIX, ARIZONA 85007
(602) 542-1500

December 15, 1995

Mr. Edward B. Cohen
Deputy Solicitor
U. S. Department of the Interior
1849 C Street, N.W.
Room 6354
Washington, D.C. 20240

Dear Mr. Cohen:

I have been made aware of your December 14, 1995, letter to Lisa Hauser of the Governor's Office in which you request a communication from the Department of Administration (DOA) with respect to indemnification. This is to advise you that this office has conferred with the Governor's Office, consulted with the State's insurance broker and reviewed the Attorney General's December 13, 1995 opinion on this issue together with the facts of this situation.

It is our conclusion that the circumstances involved in funding the operation of the Grand Canyon National Park during a period of federal budgetary shutdown are sufficiently compelling to warrant the State's agreement to indemnify the federal government for personal injury and property claims. I believe this commitment has been expressed to you by Ms. Hauser. In addition, this indemnification is covered pursuant to A.R.S. 41-621. Because the federal government's operation of the Grand Canyon National Park benefits the State but the federal government is in a more advantageous position than the State to perform this function under these circumstances, DOA has determined that the federal government may be insured pursuant to A.R.S. 41-621(A)(3). As stated in the Attorney General's December 13th letter to the Governor, this is a determination that DOA is authorized to make and, pursuant to A.R.S. 41-701(B), DOA acts through its Director.

Sincerely,

Rudy Serino
Director

From: Bruce Sheaffer <bruce_sheaffer@nps.gov>
Sent: Saturday, October 05, 2013 6:03 PM
To: Margaret O'Dell
Subject: Re: Did you find anything?

I'm also not as fast as I used to be

Sent from my iPhone

On Oct 5, 2013, at 5:57 PM, Margaret O'Dell <peggy_o'dell@nps.gov> wrote:

> Old guys are my life these days! Happy hunting.
>
> Sent from my iPhone
>
> On Oct 5, 2013, at 5:30 PM, Bruce Sheaffer <bruce_sheaffer@nps.gov> wrote:
>
>> I am confirming.... Very old data files with codes that only us old
>> guys know... I'll send you the final. Think I can stop Jon from
>> calling more old guys to check up
>>
>> Sent from my iPad
>>
>> On Oct 5, 2013, at 4:05 PM, "O'Dell, Margaret" <peggy_o'dell@nps.gov> wrote:
>>
>>> Dying to know...did you find the evidence of a donation?
>>>

From: Bruce Sheaffer (b) (6) [redacted]
Sent: Saturday, October 05, 2013 6:39 PM
To: jon_jarvis@nps.gov
Cc: peggy_O'dell@nps.gov; Bruce_Sheaffer@nps.gov
Subject: the end of your quest

OK... here are the screen prints from february, march and april 1996 accounting records. finding this stuff was made difficult because the donation came through doi, not directly. to ups I think I had to do this because I had no one in finance at that time. So, you will see that there are 4 donations.. the first is for Carlsbad for $65,625, the second is for grand canyon for $370,125 and the 2 for independence for $11,690 and $5,010.. Note the comment lines say repayment or refund... we never obligated any of these funds, just returned them to the states, city... So there your go, we did agree to take a donation, but as I said, we never executed the donation because the shutdown ended. I hope you can print this for your administrative record and memoirs. It was no small task to dig this stuff out...

```
ACTION: A  SCREEN: PVHT USERID: EJ51
                    *** VOUCHER HEADER INQUIRY TABLE ***
KEY IS VENDOR CODE, TRANS CODE, VOUCHER NO, TRAVEL ADVANCE NUM
01-
     VENDOR CODE: STANEWMEX  6  TRANS CODE: P2    VOUCHER NO: MT717060FSO
            NAME: STATE OF NEW MEXICO             TRAVEL ADVANCE NUM:
         ADDRESS: DEPT ENERGY AND MINERALS        NO CHECK DISB FLAG: N
                :                                    PROMPT PAY TYPE:
                :                                      LAST BATCH ID:
                : SANTA FE            NM 87505
     DESCRIPTION:                FA IND:    INV IND:     VOUCHER TYPE: 1
      CHECK TYPE:    D.O.: PFC   PAYMENT CAT: V   OFFSET ELIGIBILITY: Y
    AGREEMENT # :                          DISB RUN NUMBER: 00000
    SCHD FISC YR:       SCHD CAT: A  SCHD TYP: M  SCHD NO:
    VOUCHER DATE: 02 22 1996                 VOUCHER AMT:        65,625.00
       SCHD DATE: 02 22 1996                HOLDBACK AMT:             0.00
     CLOSED DATE: 02 26 1996                 CLOSED AMT:        65,625.00
      PPAY SCHED DATE:                    OUTSTANDING AMT:            0.00
    AGENCY HEAD APRVL:                     IN TRANSIT AMT:            0.00
    COMMENTS TO PRINT: REPAYMENT OF DONATED FUNDS STATE OF NM
     INTR AGCY SYMBOL:                   DIRECT DISB NUMBER:
```

```
ACTION: A  SCREEN: PVHT USERID: EJ51
                    *** VOUCHER HEADER INQUIRY TABLE ***
KEY IS VENDOR CODE, TRANS CODE, VOUCHER NO, TRAVEL ADVANCE NUM
01-
     VENDOR CODE: STATARIZ   5  TRANS CODE: P2    VOUCHER NO: MT021000FSO
            NAME: STATE OF ARIZONA                TRAVEL ADVANCE NUM:
         ADDRESS: .                               NO CHECK DISB FLAG: N
                :                                    PROMPT PAY TYPE:
                :                                      LAST BATCH ID:
                : PHOENIX             AZ 85007
     DESCRIPTION:                FA IND:    INV IND:     VOUCHER TYPE: 1
      CHECK TYPE:    D.O.: PFC   PAYMENT CAT: V   OFFSET ELIGIBILITY: Y
    AGREEMENT # :                          DISB RUN NUMBER: 00000
    SCHD FISC YR:       SCHD CAT: 5  SCHD TYP: M  SCHD NO:
    VOUCHER DATE: 02 22 1996                 VOUCHER AMT:       370,125.00
       SCHD DATE: 02 22 1996                HOLDBACK AMT:             0.00
     CLOSED DATE: 02 23 1996                 CLOSED AMT:       370,125.00
      PPAY SCHED DATE:                    OUTSTANDING AMT:            0.00
    AGENCY HEAD APRVL:                     IN TRANSIT AMT:            0.00
    COMMENTS TO PRINT: REPAYMENT OF DONATED FUNDS STATE ARIZONA
     INTR AGCY SYMBOL:                   DIRECT DISB NUMBER:
01-AP66N PAID BY EFT
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ACTION: N  SCREEN: PVHT USERID: EJS1
                    *** VOUCHER HEADER INQUIRY TABLE ***
KEY IS VENDOR CODE, TRANS CODE, VOUCHER NO, TRAVEL ADVANCE NUM
01-
     VENDOR CODE: HISTPHIL      TRANS CODE: P2    VOUCHER NO: MT262860004
            NAME: HISTORIC PHILADELPHIA INC       TRAVEL ADVANCE NUM:
         ADDRESS: 510 WALNUT ST                   NO CHECK DISB FLAG: N
                :                                    PROMPT PAY TYPE: A
                :                                      LAST BATCH ID:
                : PHILADELPHIA        PA 19106
     DESCRIPTION:                FA IND:    INV IND:     VOUCHER TYPE: I
      CHECK TYPE:    D.O.: PFC   PAYMENT CAT: V   OFFSET ELIGIBILITY: Y
    AGREEMENT # :                          DISB RUN NUMBER: 00000
    SCHD FISC YR:       SCHD CAT: A  SCHD TYP: M  SCHD NO:
    VOUCHER DATE: 03 15 1996                 VOUCHER AMT:        11,690.00
       SCHD DATE: 04 13 1996                HOLDBACK AMT:             0.00
     CLOSED DATE: 04 15 1996                  CLOSED AMT:        11,690.00
      PPAY SCHED DATE: 04 13 1996         OUTSTANDING AMT:             0.00
    AGENCY HEAD APRVL:                     IN TRANSIT AMT:             0.00
    COMMENTS TO PRINT: REFUND OF DONATION FOR INDEPENDENCE PARK
     INTR AGCY SYMBOL:                   DIRECT DISB NUMBER:
01-AP66W PAID BY EFT
```

```
ACTION: N  SCREEN: PVHT USERID: EJS1
                    *** VOUCHER HEADER INQUIRY TABLE ***
KEY IS VENDOR CODE, TRANS CODE, VOUCHER NO, TRAVEL ADVANCE NUM
01-
     VENDOR CODE: HISTPHIL      TRANS CODE: P2    VOUCHER NO: MT262860001
            NAME: HISTORIC PHILADEPHIA INC        TRAVEL ADVANCE NUM:
         ADDRESS: 510 WALNUT ST                   NO CHECK DISB FLAG: N
                :                                    PROMPT PAY TYPE:
                :                                      LAST BATCH ID:
                : PHILADELPHIA        PA 19106
     DESCRIPTION:                FA IND:    INV IND:     VOUCHER TYPE: I
      CHECK TYPE:    D.O.: PFC   PAYMENT CAT: V   OFFSET ELIGIBILITY: Y
    AGREEMENT # :                          DISB RUN NUMBER: 00000
    SCHD FISC YR:       SCHD CAT: A  SCHD TYP: M  SCHD NO:
    VOUCHER DATE: 01 31 1996                 VOUCHER AMT:         5,010.00
       SCHD DATE: 01 31 1996                HOLDBACK AMT:             0.00
     CLOSED DATE: 02 02 1996                  CLOSED AMT:         5,010.00
      PPAY SCHED DATE:                    OUTSTANDING AMT:             0.00
    AGENCY HEAD APRVL:                     IN TRANSIT AMT:             0.00
    COMMENTS TO PRINT: REFUND OF DONATION/INDEPENDENCE PARK
     INTR AGCY SYMBOL:                   DIRECT DISB NUMBER:
01-AP66W PAID BY EFT
```

From: Jacobson, Rachel <rachel_jacobson@ios.doi.gov>
Sent: Friday, October 11, 2013 3:44 PM
To: Pam K Haze; Betsy Hildebrandt; Dan Ashe; Neil Kornze; Amy Holley; Edward Keable; Barry Roth; Maureen Foster; Margaret O'Dell; Ted Boling; Kate P Kelly; Janet Lin; Kevin Haugrud
Subject: DRAFT RESPONSES TO OMB QUESTIONS. PLEASE REVIEW

What is the status of revisions to the NPS and DOI Summary contingency plans?

NPS is proposing revisions to its contingency plan to reflect the donation policy. Those revisions are undergoing DOI legal review. (b) (5) [redacted]

How would revisions regarding donations affect other NPS units?

Under the current donations policy, only those units that receive full funding from a state sufficient to operate for a minimum four days under the terns of an agreement with the will be open. All other NPS units will remain closed

What is the status of the broader document on overall access?

If a park is opened based on full funding for a 4 day minimum and a written agreement with the state, the entire park will be open and accessible according to normal operating procedures for this time of year.

Are there other parts of FWS jurisdiction that are currently closed, but for which no expenditure of Federal funds are needed to re-open? What about BLM?

FWS made a determination that the only units that could be reopened without incurring federal spending are the waterfowl protection areas. These areas are open lands, and states typically provide the resources for their operations. ***[NEED BLM RESPONSE HERE]***

How did the 1995-96 shutdown plans treat hunting on FWS lands? BLM lands?

FWS and BLM lands were closed to hunting in the 1995-1996 shutdown. The shutdown was in mid-winter, post-hunting season, so this was not an issue in 1995-1996.

From: Dennis Reidenbach <dennis_reidenbach@nps.gov>
Sent: Tuesday, October 01, 2013 5:01 PM
To: Peggy O'Dell
Subject: 4:00 call

Peggy

I was part of the NER team doing the 4:00 call but am now signing off until needed.

Didn't want to clarify Jon's statement about not turning things over to state and local governments during the 95 shutdown, but there was an exception made for Independence Hall and the Liberty Bell.
Because the City of Philadelphia still technically owns the Hall and Bell, when then Mayor Rendell pressed the issue NPS struck a deal where the City donated the funds to cover the NPS staff costs and those two buildings (only) were re-opened.

I don't think the current Mayor has the same tourism focus, but this issue could come up if this drags on. I am very familiar with this issue if it comes to it, and will be glad, if needed to re-engage in the discussion.

Thanks for your leadership during this wacky time.

Dennis

Dennis Reidenbach
NPS Northeast Regional Director
215-597-7013

From: INPGRCASCIEMS <INPGRCASCIEMS@nps.gov>
Sent: Friday, October 04, 2013 5:51 PM
To: jon_jarvis@nps.gov; dave_uberuaga@nps.gov; diane_chalfant@nps.gov; kirbylynn_shedlowski@nps.gov
Subject: grca news clippings 1995
Attachments: img-X04175119-0001.pdf

Please open the attached document. It was scanned and sent to you using INPGRCASCIEMS.

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Acrimony breaks out over budget

Tell truth, Dole chides Clinton

By David Espo
Associated Press

WASHINGTON — In a year-end display of brinksmanship, balanced-budget talks between the White House and congressional Republicans exploded in acrimony Friday, and a Christmas-season shutdown loomed for key portions of the federal government.

A defiant President Clinton accused Republicans of threatening to close the government if he wouldn't accept deep cuts in Medicare, Medicaid, education and the environment.

"I would not give in to such a threat last month, and I will not give in today," he declared.

Republicans said White House officials have proposed cooking the books to make it look like they were balancing the budget and angrily accused the administration of bargaining in bad faith.

"Tell the American people the truth," Senate Majority Leader Bob Dole said in remarks on the Senate floor. "Don't come on television, Mr. President, and say we're devastating this and devastating that" when it comes to key programs.

That left the talks in limbo after only a few hours — and an estimated 300,000 federal workers dangling.

With spending authority for several agencies set to expire at midnight, Republicans said they had no immediate plans to propose legislation to keep the government running. Both the House and Senate were expected to remain on call over the weekend in case the situation changed.

A Friday midnight shutdown principally would affect what one GOP aide wryly called the "usual suspects," shuttering federal parks around the country as well as the monuments and Smithsonian museums that dot the

— See ACRIMONY, page A7

State forges pact to keep Canyon open

By Steve Yozwiak
Staff writer

An agreement approved Friday by the Arizona State Parks Board should allow most of the Grand Canyon to remain open throughout the expected length of any federal government shutdown, state officials said.

The 21 other federal parks in Arizona, however, may close if the budget stalemate between President Clinton and the Republican-controlled Congress continues.

Although the Interior Department isn't expected to approve the state's proposal until Monday, much of Grand Canyon National Park will remain open this weekend even if the federal government closes down today

— See STATE, page A6

Acrimony breaks out on budget

— ACRIMONY, *from page A1*

nation's capital.

More-widespread disruption of government services would occur Monday, when government workers arrive at their desks to begin the week and go into a well-scripted shutdown routine.

In the budget talks themselves, the White House and Republicans said they would pursue separate courtships of conservative Democrats who support a spending blueprint that falls between the two sides.

It wasn't clear when those meetings might occur.

The break-off in talks was unexpected, with both sides saying in advance that they were hopeful that progress might finally be possible and that they were ready for marathon talks through the weekend.

Each side came armed with a proposal — but the two sides were so suspicious of one another they decided to ask Budget Director Alice Rivlin flip a coin to see whether the White House or Republicans would go first.

The GOP won, and White House Chief of Staff Leon Panetta began discussing the president's new proposal.

The White House moved $121 billion closer to a balanced budget than in its most recent previous offer last week. Included was a recommendation to scale back Clinton's tax cut and close billions of dollars in corporate tax loopholes. But the bulk of the savings came from using more optimistic economic assumptions than the ones contained in the Republican budget — provisions that Republicans denounced as "good old-fashioned smoke and mirrors."

For their part, Republicans proposed a $5 billion nick in their tax cut, and said they would ease the hit on Medicare, Medicaid, education and environment that their earlier balanced-budget measure would have imposed. Clinton vetoed that bill last week.

After only a few hours of discussions, the two sides decided there was no point in continuing, and each swiftly sought political advantage in the ashes.

"It is wrong — it is simply wrong — for the congressional Republicans to insist that I make deep cuts in Medicaid and Medicare simply to talk," Clinton said in an appearance in the White House briefing room shortly before the evening news aired in the East.

Rep. John Kasich of Ohio, chairman of the House Budget Committee, said Democrats were beholden to the liberals in their own party. "In order to get this deal done, they're going to have to throw the far left from the train," he said.

Political calculations lie at the heart of the budget battle that has been waged all year.

Republicans believe the road to renewing their majority next year lies through balancing the budget.

Many Democrats believe they can score political gains if they continue to depict Republicans as intent on savaging Medicare and Medicaid.

It would be the second time in several weeks that government operations became casualties of the budget battle.

More than 800,000 federal workers were affected in November. Since then, Clinton has signed several spending bills into law, meaning fewer agencies would be affected this time.

Among the agencies in jeopardy are the Interior Department, which administers the nation's park system; the Smithsonian, which overseas the museums that line the Mall in Washington; the Environmental Protection Agency, the Department of Housing and Urban Development and the Department of Health and Human Services.

SHUTDOWN EFFECTS WOULD BE LIMITED

Should parts of the government shut down again, far fewer people would be affected than in November. More offices would be open, more federal workers on the job. Tourists would be among the first to notice today, because most federal offices are closed for the weekend anyway. Some of the effects:

- **Tourists:** The Park Service's historic homes, monuments and national parks would close. Some large parks would remain accessible without the usual visitor services.
- **Under an agreement** announced Friday by Gov. Fife Symington, Grand Canyon National Park would remain open through the weekend and should remain open even if another shutdown occurs.
- **Passports:** Passport offices would be closed Monday. Passports and visas would be issued only for emergencies.
- **Social Security:** Although some support staff would be furloughed, Social Security Administration field offices would remain fully open to help people apply for retirement and other benefits. The information hotline would be answered. Benefits checks would be mailed as usual.
- **Veterans:** The Veterans Affairs Department would keep offices staffed to help people apply for benefits. But benefit checks might be delayed if a shutdown lasted late into next week.
- **Welfare:** Food stamps and welfare benefits would be available as usual.
- **Courts:** Federal courts would remain open. Federal law officers and border agents would stay on the job.
- **Mail:** The Postal Service would deliver mail as usual.

For the latest on the federal budget battle, call *PressLine* at 271-5656 and push 9060.

State forges agreement to keep Canyon open

STATE, *from page A1*

or Sunday.

National Parks Service officials said they would keep the South Rim open except for visitor centers and entrance stations. With no staff at the entrances, admission to the park would be free.

"Citizens from all over the world can be assured that the crown jewel of our national park system will always remain open," Gov. Fife Symington said Friday, adding that the state had reached an agreement "in principle" with the Interior Department.

The agreement would allow the state to pay $17,625 each day to keep federal workers on the job at the park's most visited areas on the South Rim. The areas include restaurants, hotels, gift shops and visitor centers.

The State Parks Board approved spending up to $211,500 to keep the park open for up to 12 days. A $52,875 donation from Phoenix businessman John F. Long would keep the park open an additional three days.

The state also would assume all liability for injuries that might occur in the park during the time the state funded its operations.

Symington said the state is looking at additional options to keep the park open even longer if needed, but he would not elaborate.

Although national parks other than the canyon would close in a government shutdown, some concessions might remain open. Jeep tours at Canyon de Chelly National Monument, for example, would continue operating because they are run by Navajos on Indian land.

COMMUNITY NEWS

Grand Canyon National Park remains open with some restrictions

By Jerry J. Herrmann
Editor

People can enjoy looking at the Grand Canyon from several overlooks, but can't hike or ride a mule into it.

Monday, for the second time in a month, Grand Canyon National Park was ordered closed to the public as of noon due to the budget stalemate.

However, this time through a donation agreement between the Department of Interior and the State of Arizona, the public will have access to most of the South Rim of the Canyon.

"Most visitor facilities between Mather Point and Hermits Rest on the South Rim will remain open, including the Visitor Center and other visitor contact stations, lodging accommodations, food services, shops and bus tours," said Maureen Oltrogge, GCNP public affairs officer.

The community services, she said, will remain open. They include the medical clinic, schools, day care center, bank, gas station, grocery store in the Village, and post office.

State Highway 64 will remain open.

However, the East Rim Drive overlooks, Desert View, Tusayan Museum, trails below the Canyon rim, Phantom Ranch, the Colorado River, the North Rim and Lees Ferry are closed.

"There is no visitor access to these areas; thus day and overnight backcountry hiking, river running and mule trips are not available," she said.

Oltrogge said v s in the Park's backcountry, including those in Phantom Ranch, were required to return to the South Rim by noon today, Dec. 20. All backcountry reservations have been canceled for the duration of this closure.

The closure notice didn't surprise Fred Diumenti, general manager of Babbitts General Stores. However, he is glad the state was allowed to help keep the South Rim of the Canyon open for the tourists.

"I expect we'll see a one or two day closure. If we have to keep our store in Desert View closed through the weekend and into next week it will really hurt us," he said.

The closure, whether it is a partial or full one, is going to hurt area businesses down the line. "Williams business people are being asked at least once a day if the Grand Canyon is open. So, the more closures there are, the more tourists will stay away," he said.

As for Fred Harvey's Grand Canyon National Lodges operation "this is a lot better week for it to happen than the week it occurred in November," said Jane Gillespie, GCNL's director of sales.

"We have no reservations for mule rides to Plateau Point Tuesday or Wednesday. Thursday, we have 14 reservations, and only two for Friday, six for Saturday, seven for Sunday, and nine for Christmas Day," she said.

And going to Phantom Ranch there were six on Tuesday, nine today, seven Thursday, none on Friday, nine on Saturday, 15 on Christmas Eve and 10 on Christmas Day.

Entrance gr are manned, however fees ar ollected.

00050677 NPS-20240-000018 (0067) Page 4 of 8

WEDNESDAY

December 27, 1995

Ante up for canyon

State accepting park donations

By LUKAS VELUSH
Sun Staff Reporter

Apparently, the season for giving isn't over yet. Not for people who'd like to see Grand Canyon National Park stay open, anyway.

The Arizona State Parks Department is actively seeking donations to help keep the park open in the midst of the federal government's shutdown.

The state has enough money to keep the park open — at the rim only — until Jan. 3. If the shutdown continues past that date, then funding Gov. Fife Symington's commitment to keep the park open will have to come from somewhere else.

"The governor has pledged that the Grand Canyon won't be closed, but we don't know where the money is going to come from," said Jay Ziemann, state parks assistant director.

The parks department has already taken $211,500 out of its general budget, which, combined with a $52,875 donation by Phoenix businessman John F. Long, is enough to keep the park open until Jan. 3, Ziemann said.

Other than that, donations haven't exactly been rolling in. Not one business that profits from Grand Canyon visitors, including concessionaires operating in the park, have donated any money to keep the park they depend on open. Long, who is in construction, doesn't depend on tourists for business.

"We received one check so far and that was from a couple in Wisconsin," Zeimann said today. "They heard about our plight and they sent us a $10 check."

The problem is it costs $17,625 a day to keep the park open, Zeimann said. "(Their donation) will keep the park open for a minute," he said.

That means Long's donation is enough to keep the park open for three days, while the state parks allocation is good enough for 12 days.

Zeimann said the one-minute example is being used not to belittle the Wisconsin couple, but to make the point that a lot more donations are needed.

At this time of year, the park sees about 5,400 visitors a day, said Marueen Oltrogge, Grand Canyon National Park public affairs officer. With the partial shutdown, visitors can only use on-the-rim facilities — except the backcountry permit office — from Mather Point to Hermit's

See CANYON, Page 5

CANYON

From Page 1

Rest. State Highway 64 is also open as it swings east to Cameron.

Grand Canyon visitors pump about $250 million annually into Arizona's economy, Zeimann said.

The state is setting up donation cans at state parks around Arizona where visitors can chip in for the Grand Canyon, said Ellen Bilbrey, parks department public information officer. Other donations can be sent to the attention of Jay Ziemann, Arizona State Parks Department, 1300 W. Washington St., Phoenix, AZ. 85007.

However, Zeimann said he hopes donations won't be needed.

"If the federal government gets a budget in place, all of those donations will be returned," he said. "That would make all of this a moot point."

Cash gives Canyon 1 more day

— CASH GIVES. *from page A1*

tral Arizona in their zeal to view the 900-year-old Indian ruin.

The tourists still are being turned away from such Arizona landmarks as the Petrified Forest and Saguaro National Monument near Tucson.

At the same time, Travous said, visitation at Arizona's 24 state parks is up more than 7 percent over the same time last year.

Congress and President Clinton still are far apart on spending and numerous other issues buried within the budget bills under consideration.

Still, the parts of Grand Canyon National Park that are open are packed. The state's efforts have kept the park open from Mather Point to Hermit's Rest, an 11-mile stretch that includes the hotels, restaurants and gift shops of Grand Canyon Village.

The state is paying the costs of keeping the canyon open under a unique agreement between Arizona and the U.S. Department of Interior.

Hiking, river running and mule rides are banned in Grand Canyon National Park during the federal shutdown. But hiking into the western reaches of the canyon still is allowed on the remote Havasupai Indian Reservation.

Of the $20,620 pledged by companies Friday, $17,500 would come from Babbitt Brothers Trading Co., Verkamps Inc. and Grand Canyon Railway, which provide grocery, gift shop and train service, respectively, to visitors at Grand Canyon Village. The three firms challenged businesses in Flagstaff, Williams and Tusayan to also put up money.

In addition, Phoenix General Hospital donated $3,120, which equals $10 for each of the hospital's 312 employees. Douglas Garner, chief executive officer of the hospital, issued a similar challenge to all Arizona businesses.

The donations are slightly more than the $17,650 the state needs to keep the park partially open for one day. Phoenix businessman John F. Long already has kicked in $52,875, enough to keep the canyon open for three days.

"We think it's important to the well-being of Arizona's economy, but more importantly to the well-being of Arizona's populace, to keep the canyon open," Garner said. "Our philosophy of patient care is based on each individual's physical, mental and spiritual well-being. Certainly, the Grand Canyon symbolizes and promotes all those values."

Maureen Oltrogge, a spokeswoman for the National Park Service, said that nearly 8,500 people a day are entering the Grand Canyon, about the same as this time last year.

"For the most part, people are happy to come into the park to experience at least some of it, rather than none of it," Oltrogge said.

Still, many visitors, thinking that if they can get through the gates, they can go down the trails, are disappointed when they find the inner portions of the canyon are off limits, she said.

"You can't find a parking place. We've got a lot of people in the park," Oltrogge said. "We're happy to have them, and we're doing our best to lessen any impacts to the traveling public."

Donations can be sent to: Arizona State Parks, c/o Director Ken Travous, 1300 W. Washington St., Phoenix, AZ 85007. Checks should note that they are for keeping the Grand Canyon open.

The Arizona Republic Saturday, December 30, 1995

Cash gives Canyon a 1-day reprieve

By Steve Yozwiak
Staff writer

A handful of Grand Canyon businesses and a Phoenix hospital anted up enough money Friday to keep the Grand Canyon open for one more day during the federal government shutdown.

Combined, the firms donated more than $20,000 to Arizona State Parks, which will keep part of the canyon's South Rim visitor areas open through Thursday.

Meanwhile, State Parks Director Ken Travous said he is looking for enough donations to keep the canyon open at least until Jan. 3, when the Legislature convenes and emergency funds can be appropriated.

If needed, the state-parks agency is prepared to dip into its own funds one more time to keep the canyon open until the Legislature acts.

In the meantime, Arizona's 21 other federal parks remain closed, frustrating many tourists, including those who are in the state for Tuesday's national championship Fiesta Bowl.

Travous said some tourists have even stormed the walls at Casa Grande National Monument in cen-

— See CASH GIVES, page A2

State, private funds to keep Canyon open through January

— STATE, *from page A1*

when an unprecedented agreement expires between Arizona and the federal Department of Interior to keep the park open with state funding.

Symington said he anticipates no problems getting an extension of the agreement or raising more money to keep the canyon partially open. It is costing the state $17,625 a day to keep the park open from Mather Point to Hermit's Rest, an 11-mile stretch that includes hotels, restaurants and gift shops in historic Grand Canyon Village.

The Arizona State Parks Board voted Tuesday to spend an additional $105,750 to keep the canyon open. The agency already has spent $211,500 on the effort, depleting most of its operating budget.

Legislative leaders have promised to approve emergency spending, if necessary, to fund the agency and keep Arizona's 24 state parks open. Meanwhile, Arizona's 21 other federal parks remain closed.

On Tuesday, Fred Harvey Grand Canyon National Park Lodges donated $52,875, enough to keep the canyon open for three days. With nearly 900 hotel rooms on the South Rim, the lodge company is one of the primary beneficiaries of an open park.

In addition, home builder Del Webb Corp. said it would donate up to $100,000, and Air Star Helicopters, which flies visitors over the canyon, donated $1,762.50.

The donations brought to $565,000 the total of public and private funds raised to keep the canyon open for a month since the most recent government shutdown began in mid-December.

Del Webb Chairman Philip Dion said he was disappointed by the inability of federal officials to reach agreement on the budget. But he said his firm is glad to be able to assist in keeping the park open.

William Bohannon, general manager for Fred Harvey, said his firm usually loses money during the winter months, the slowest time for canyon tourism.

But Fred Harvey hotels were nearly booked solid during Christmas week, he said, and keeping the canyon open means continued work for up to 900 of his employees and maintaining the canyon's reputation as a reliable tourism destination.

The canyon was closed for four days in November during a previous federal shutdown. It was the first closure of the park in its 76-year history.

During the recent federal shutdown, the canyon's interior remains closed to hiking, river running and mule rides. Up to 150 people a day are being turned away from accommodations at Phantom Ranch at the bottom of the canyon. An additional 50 people a day are being refused mule rides into the canyon.

Other donations received by the state since the recent government shutdown began on Dec. 16 include $52,875 from Phoenix businessman John F. Long; $17,500 from three Grand Canyon area businesses, Babbitt Brothers Trading Co., Verkamp's and Grand Canyon Railway; and $3,000 from Phoenix General Hospital. In addition, $155 in small donations were received from the general public.

Wednesday, January 3, 1996

Canyon funding renewed

Park can stay open through Super Bowl

By Steve Yozwiak
Staff writer

Super Bowl XXX visitors to Arizona will be assured of seeing Grand Canyon National Park if the federal government's shutdown lasts until the Jan. 28th NFL championship game in Tempe.

State officials and major businesses moved Tuesday to continue financing partial operation of the northern Arizona wonder through Jan. 18.

In addition, Gov. Fife Symington pledged to raise additional funds to keep the canyon open longer if the federal budget stalemate persists. He suggested the state may push to open up some of the canyon's trails to hiking as well.

"Whatever it takes, we will do," Symington said of keeping Grand Canyon National Park open.

"With all the Floridians and Nebraskans in the state for tonight's championship game (in the Fiesta Bowl) and the thousands more to come for Super Bowl XXX, keeping the canyon open to the world must remain a top priority of this state," Symington said during a press conference Tuesday.

Enough funds were collected or pledged Tuesday — more than $260,000 — to keep the canyon partially open through Jan. 18. That's

— See STATE, page A2

BUDGET: Talks resume with GOP leaders split. A3.

—ARIZONA DAILY SUN, Flagstaff, Arizona, Saturday, January 6, 1996

More money

By DAILY SUN STAFF

Tusayan-area businesses are chipping in again to help keep Grand Canyon National Park open.

On Friday, the Grand Canyon Improvement Association announced it would donate about $17,000 to the Arizona State Parks Department to help keep the park partially open.

The donation is enough to keep the park open between Mather Point and Hermit's Rest for one day.

The association has members from nearly all of Tusayan's businesses.

"As the gateway city for the Grand Canyon, Tusayan provides many of the experiences visitors expect when they come to see the Grand Canyon," said Richard James, association chairman.

From: Sheaffer, Bruce <bruce_sheaffer@nps.gov>
Sent: Friday, October 04, 2013 6:20 PM
To: Jon Jarvis

so we found 3 large donations for the 95 shutdown period.. they MAY relate to Carlsbad, grand canyon and Independence. still difficult to get a complete picture, but we will remain on your quest.

--
C. Bruce Sheaffer
Comptroller
National Park Service
202-208-4566
bruce_sheaffer@nps.gov

From: David Uberuaga <dave_uberuaga@nps.gov>
Sent: Friday, October 04, 2013 2:39 PM
To: Jon Jarvis
Subject: GRCA AZ shutdown 1of 3 Fwd: Scan from INPGRCASCIEMS
Attachments: img-X04121721-0001.pdf

Sent from my iPad

Begin forwarded message:

> **From:** INPGRCASCIEMS <INPGRCASCIEMS@nps.gov>
> **Date:** October 4, 2013 9:17:21 AM PDT
> **To:** <dave_uberuaga@nps.gov>, <diane_chalfant@nps.gov>, <kirbylynn_shedlowski@nps.gov>
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United States Department of the Interior

OFFICE OF THE SOLICITOR

November 17, 1995

Honorable Fife Symington
Governor
State of Arizona
Phoenix, Arizona 85007

Dear Governor Symington:

I am responding to your letter to Secretary Babbitt of yesterday offering an arrangement under which the State would help keep Grand Canyon National Park open until Congress passes acceptable bills that would provide federal funds for Park operations.

We too share your concern that Grand Canyon, along with many other federal facilities, is shut down by Congress's failure to provide appropriations. The Park could be opened immediately if the Congress passed the President's Continuing Resolution. We are, however, without legal authority to carry out the proposal contained in your letter.

First, your proposal encompasses making state personnel available to perform some Park functions. I should note that the Secretary has the statutory responsibility for insuring that the Parks are operating in a safe and sound manner, consistent with federal law and regulations, and to manage their resources in such a way as to preserve them for future generations. See 16 U.S.C. § 1 et seq. The National Park Service has highly professional personnel who are trained in carrying out these important responsibilities. The Secretary cannot delegate or allow those responsibilities to be carried out by personnel not trained or familiar with these obligations.

Second, because we have no lawfully appropriated funds to operate the Park, the Department of the Interior is precluded from entering into any arrangement with the State of Arizona that would have the effect of obligating funds, regardless of amount, that have not yet been made available. This principle is a fundamental part of federal law - the Antideficiency Act. 31 U.S.C. § 1341.

Applying this principle to your proposal, so long as the shutdown continues, the Park could not be reopened under any arrangement that would result in a cost to the National Park Service over and above the current emergency law enforcement presence. While your letter offers to pay at least some of the salaries of federal employees, operating the Park involves significantly more costs than this; e.g., significant infrastructure costs such as for power, water, sewer, and maintenance. It also carries with it substantial liability costs.

Your proposal to use entrance fees as a partial offset of costs, with the State retaining 50% of the fees, cannot be done. Under the provisions of the Land and Water Conservation Fund Act,

16 U.S.C. § 460l-6a, only 15% of the entrance fees may be retained by the Secretary to cover the costs of fee collection only. The remainder of the fees must be deposited into a special account in the Treasury for further appropriation by law.

The National Park Service does have special statutory authority to receive gifts that further the purposes and goals of the National Park System. It is conceivable that, if the State were willing to do so, and had the authority to do so under State law, we could explore the possibility of having the State donate to the National Park Service enough money to operate the Park during the shutdown.

In order not to run afoul of the Antideficiency Act, it would seem that the donation would have to include all the costs of Park operations, including salaries, benefits, infrastructure costs, utilities, and general and administrative costs. Moreover, it may also have to include a promise to save and hold harmless the United States from legal claims that arise. It would also have to be made in advance for a specified number of days. In effect, the State would have to provide a level of funding that the National Park Service would otherwise need through an appropriations enactment to operate the Park.

I do not want to minimize the practical and legal difficulties that might arise, were you to make a specific proposal along these lines. We are in uncharted territory here, and cannot proceed lightly. There are likely many legal issues I cannot now anticipate that will arise if we were to try to use this gift authority as a way for the State to fund operation of the Park during the period of shutdown.

If you are interested in making a specific proposal that meets the legal concerns I've expressed, we are available to meet with your lawyers in Washington to discuss it. I know you share our hope that the Congress will pass acceptable appropriation bills that would end the governmental shutdown.

Sincerely,

John D. Leshy
Solicitor

cc: Honorable Grant Woods

From: David Uberuaga <dave_uberuaga@nps.gov>
Sent: Friday, October 04, 2013 2:40 PM
To: Jon Jarvis
Subject: GRCA-AZ 2 of 3 Fwd: Scan from INPGRCASCIEMS
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> **Reply-To:** <INPGRCASCIEMS@nps.gov>
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December 27, 1995

Memorandum

To: Bruce Sheaffer

From: Deputy Superintendent, Grand Canyon National Park

Subject: Agreement With State of Arizona for Partial Opening

As of this date, our daily operating figure is around $11,500. This figure is subject to further analysis and modification for such things as overtime rates, cost of personnel benefits, etc. Due to a very limited administrative staff, final figures will not be available until Tuesday, January 2 at the earliest.

It seems we have three options readily available. Consideration of these options should keep in mind the Arizona political climate. Governor Fife Symington should be viewed as a political figure whose political agenda includes the limitation of federal authority in his state and who would relish the opportunity to find fault with the manner in which state funds were expended during the so-called limited opening of Grand Canyon National Park.

Option One: We stick to our $17,625 figure. When the total contribution from Arizona based on that daily estimate runs out, we cancel the limited opening and move to a hard closure, unless additional funds are forthcoming.

Pro: The $17,625 is what the state agreed to. The state was informed up front that the figure was our best estimate only, and took into consideration the need to plan for unanticipated emergencies, such as SARs, fires, major EMS, etc.

Con: It might be legal, but also seen as unfair. Any audit will clearly show a fairly significant difference between our estimated daily expenditure and the actual. This will provide the Governor with additional ammunition to use against us and the federal government in general, (i.e., --"they can't be trusted."). We would lose in the court of public opinion.

Option Two: We continue to use the $17,625 figure as an amount that includes our actual costs plus a contingency for unanticipated emergencies. Each day that such an emergency does **not** occur, we subtract our actual costs from the estimate, then move the surplus

forward to "buy" additional days on the agreement. An important note is that we should continue to use $17,625 as the cost of each day of the limited opening. We must have the extra funding available in the event of an emergency.

Pro: The state's primary goal for establishing the fund was to keep Grand Canyon open. By extending the number of days, we are in sync with the state's wishes. This approach also passes the common sense test -- its what everyone wants and it shows we are being open and cooperative in attempting to meet the state's goal. The use of an amount of the funding to meet unanticipated demands is also reasonable and defensible. Grand Canyon National Park can certainly point to a history of unanticipated emergencies -- even within the past year.

Con: It opens the agreement up to further negotiation. A danger is that our actual operating cost (now pegged at about $11,500) would become the figure used for extending the period of time for the limited opening, thus eliminating the important contingency fund. When and if the negotiations occur, we need to have a savvy operations person at the table.

Option 3: At the end of each week of the limited opening, we calculate our actual operating costs vs the estimated $17,625. We then remit to the state the difference. In some instances, unanticipated emergencies may have used some of the "surplus," which we would retain. At the end of the time that funds were allocated for (January 3), if no solution has been found for the budget impasse, we go to hard closure.

Pro: Easy to do from the park's end. The books are kept up to date and clear, and our relationship with the state remains good. It also passes the common-sense test and would appeal to the man in the street.

Con: From everything we hear from the state, this would not be preferable to keeping the park open on a longer period of time. Also, the return of the donated funds would be an exception to our donation policy. The procedure would be awkward and could lead to quibbling with the state on how much we require to operate the park, poor estimates, etc. Finally, it could place the state in an uncomfortable position of what to do with the monies returned. Would Arizona need to return the funds to donors, or keep it?

Recommendation: Option Two. We renegotiate the agreement, and try to stretch the available funds as far as we can to keep the park open, while continuing to use the $17,625 as the estimated daily cost, including contingency funds.

Gary Cummins

From: David Uberuaga <dave_uberuaga@nps.gov>
Sent: Friday, October 04, 2013 2:41 PM
To: Jon Jarvis
Subject: GRCA- AZ 3 of 3 Fwd: Scan from INPGRCASCIEMS
Attachments: img-X04121819-0001.pdf

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Begin forwarded message:

> **From:** INPGRCASCIEMS <INPGRCASCIEMS@nps.gov>
> **Date:** October 4, 2013 9:18:19 AM PDT
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United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

December 18, 1995

Via Facsimile: 602-542-7601

Ms. Lisa Hauser
Office of Governor Fife Symington
1700 West Washington
Phoenix, Arizona 85007

Dear Lisa:

Attached please find the Donation Agreement Between the National Park Service and the State of Arizona with respect to Grand Canyon National Park. It has been executed by National Park Service Director Roger Kennedy. Please obtain the appropriate signature from the Arizona State Parks Board and fax back the entire Agreement in executed and dated form. We will discuss tomorrow the exchange of originals.

As I discussed on the telephone, the Park is now in the process of implementing the so-called "hard shut down" scenario. As a result, if the Park is to remain open pursuant to the Agreement, the first day for which Arizona must contribute funds to partially underwrite the operation of the Park is Wednesday, December 20, 1995. Pursuant to Article VII.C, I propose that the payment for that day be wired no later than 12:00 p.m. Mountain Standard Time on Tuesday, December 19, 1995. In the event the shutdown continues to Thursday, December 21, 1995, the State's payment would be due no later than 12:01 a.m. on Wednesday December 20, 1995.

I appreciate the professionalism and thoughtfulness that you have demonstrated during the course of these discussions and look forward to the opportunity of meeting you face-to-face some day. Please telephone me should you have questions about the agreement.

Sincerely,

Edward B. Cohen
Deputy Solicitor

cc: Roger Kennedy
Rob Arnberger

From: David Uberuaga <dave_uberuaga@nps.gov>
Sent: Friday, October 04, 2013 2:43 PM
To: Jon Jarvis
Subject: GRCA-AZ # 4 The actual 17 page agreement Fwd: Scan from INPGRCASCIEMS
Attachments: img-X04130811-0001.pdf

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Begin forwarded message:

> **From:** INPGRCASCIEMS <INPGRCASCIEMS@nps.gov>
> **To:** "dave_uberuaga@nps.gov" <dave_uberuaga@nps.gov>, "diane_chalfant@nps.gov" <diane_chalfant@nps.gov>, "kirbylynn_shedlowski@nps.gov" <kirbylynn_shedlowski@nps.gov>
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DONATION AGREEMENT

Between

The

NATIONAL PARK SERVICE

and the

STATE OF ARIZONA

This Donation Agreement (herein "Agreement") is made and entered into between the State of Arizona, acting through its authorized departments and agencies (herein "State"), and the United States of America, acting through the National Park Service of the U.S. Department of the Interior (herein "Service").

WHEREAS, the Grand Canyon National Park (herein "Park") is an international treasure that attracts visitors to Arizona from all over the world and whose spending plays a major role in the economic vitality of the region; and

WHEREAS, the Park is managed and administered by the National Park Service as a unit of the National Park System and is a World Heritage Site; and

WHEREAS, the Service closed the Park in November of 1995 due to the failure of Congress to enact a bill appropriating funds for National Park Service purposes (hereafter, "budgetary shutdown"); and

WHEREAS, the State benefits from keeping the park open, rather than having the park closed again during another period of a budgetary shutdown; and

WHEREAS, the State and the Service wish to enter into a short-term agreement, to address this unique budgetary situation, under which the Service would operate the park, not with appropriated funds, but with funds donated by the State; and

WHEREAS, the State Parks Board is authorized to enter into agreements with the federal government for the joint or cooperative protection of areas of natural features, scenic beauty, historical and scientific interest which are located on federal lands within the State if such areas are being administered in a manner which benefits the State pursuant to such an agreement; and

WHEREAS, the Grand Canyon National Park is an area of natural

features, scenic beauty, historical and scientific interest and a national treasure that attracts visitors to Arizona from all over the world; and

WHEREAS, in the event of a full and complete budgetary shutdown, this Agreement is intended to provide the means of continuing public visitation to a designated portion of the Park during the budgetary shutdown period through the donation of funds by the State to the Service; and

WHEREAS, without appropriated funds to operate the Park, the Service is precluded by the Anti-Deficiency Act, 31 U.S.C. § 1341, from undertaking any activities or entering into any arrangements that would have the effect of obligating directly or indirectly federal funds, regardless of amount, that have not yet been made available to the Service through the Interior Department Appropriations Act, except for emergency activities; and

WHEREAS, any operation of the Park, with either appropriated or donated funds, must satisfy the statutory responsibility for insuring visitor safety as well as preserving and protecting Park resources for future generations, consistent with federal law and regulations, 16 U.S.C. §1 et seq., and this responsibility for preserving and protecting park resources is best undertaken by the Service's professional employees, trained in the preservation of

park resources and visitor protection; and

WHEREAS, the Park is a destination park, where many visitors have made long term advance reservations or special arrangements for visiting, and may never again have the opportunity to view this scenic wonder; and

WHEREAS, the Park is uniquely configured, unlike other areas of the National Park System, to facilitate at least a partial use of the South Rim of the Park, even though the visitor experience will be compromised and the resources of the park not fully interpreted; and

WHEREAS, it is the intention of the State and the Service that under the terms of this Agreement the State will make a donation of the funds deemed necessary by the Service to open a designated portion of the Park to visitor use, and the Service will accept and expend the donation in accordance with the terms of this Agreement; and

WHEREAS, there is a public benefit inuring to the State in the operation of the Park and that providing funds to the federal government for the Park's operations is for a public purpose and for valuable consideration that is equitable and reasonable;

NOW THEREFORE, in consideration of the mutual promises of the State and the Service as set forth in this Agreement, the parties do hereby agree as follows:

Article I. <u>Authority</u>

A. The Service is statutorily authorized to accept donations that further the purposes and goals of the National Park System, 16 U.S.C. §6, including the acceptance of a donation of funds from the State for the Service to continue operation of the Park during a budgetary shutdown due to lack of appropriated funds.

B. The State has by opinion of the Attorney General of Arizona represented to the Service that it has the legal authority to donate public funds to the Service for the continued operation of the Park, and to indemnify the Service during the budgetary shutdown period.

C. The State acting through:

1. The Arizona State Parks Board, A.R.S. §§ 41-511.03,41-511.04 and 41-511.05, has adopted appropriate resolutions, which are appended hereto as Exhibit A, and has taken necessary actions to implement these legal authorities in order to provide funding to the Service, and

2. The Department of Administration, A.R.S. § 14-621(A)(3), has made appropriate determinations, which are appended hereto as Exhibit B, to implement these authorities to assure that the United States will be indemnified against any and all claims, judgments, awards and costs, as set forth in this Agreement.

Article II. Statement of Obligations

A. THE NATIONAL PARK SERVICE AGREES IN THE EVENT OF A FULL AND COMPLETE BUDGETARY SHUTDOWN:

1. To accept donations from the State, by electronic transfer, and to deposit the donations in the appropriate donation account in the United States Treasury for use pursuant to this Agreement. The Service will provide necessary account numbers and instructions to effect the electronic transfer.

2. To keep open to public use only the designated portion of the Park identified in this Agreement, and to manage the identified portion in accordance with the Service's legal authorities, policies and guidelines. The Park area to remain open is the Canyon Village Area and access thereto, as designated on a map appended hereto as Exhibit C to this

Agreement (hereinafter "Canyon Village Area").

3. To keep open to the public during the budgetary shutdown period all restaurants and overnight accommodations located in the Canyon Village Area of the Park; provided however, all other concession facilities and operations will be closed.

4. To keep entrance stations open for public information purposes, but to refrain from collecting entrance fees during the shutdown period.

5. To retain full responsibility for the administration of the Park as well as the funds provided by the State pursuant to this Agreement.

B. **THE STATE OF ARIZONA AGREES IN THE EVENT OF A FULL AND COMPLETE BUDGETARY SHUTDOWN:**

1. To provide donations to the Service in the amounts set forth in this Agreement, which the parties agree must provide full funding, other than for emergency personnel, to support all direct and indirect costs incurred or which may be incurred by the Service as a result of keeping open to visitor use those designated portions of Park during a budgetary

shutdown period. The parties agree that the donation amount set forth this is Agreement shall be Seventeen Thousand Six Hundred Twenty Five Dollars ($17,625.00) per day or any portion thereof.

2. To provide the Service at least twenty-four (24) hours in advance the funds necessary to cover the costs agreed to by the parties to keep open the designated portion of the Park.

3. To indemnify, save and hold harmless, and to provide complete cooperation with, as well as provide such assistance as may be required by the United States, with respect to any and all claims, lawsuits, damages, losses, judgments, workmen's compensation claims, and expenses, including attorney fees and litigation costs, arising out of, or from, or associated in any manner with any omission or activity as a result of the Service keeping open the Park under this Agreement. Provided, however, the State is not liable for any purchases or contracts entered into by the Service prior to the implementation of this Agreement.

Article III. GENERAL TERMS OF AGREEMENT.

A. All areas of the Park other than the Canyon Village Area shall be closed, and the Service will use its best efforts to keep the

visiting public from using all closed areas of the Park, including using the trails within the Park and floating the Colorado River within the Park.

B. Donations to the Service are conditioned upon receipt by the State of confirmation of the existence of a budgetary shutdown, which confirmation will be provided by the Service in writing. Notwithstanding any other provisions of this Agreement to the contrary, none of the obligations of the parties under this Agreement will be effective until the Service provides this notice of budgetary shutdown.

C. The Service will refund to the State only those advanced funds electronically transferred to the Service for a particular day(s) for which appropriated funds have subsequently been made available for that subsequent day(s) by either an annual appropriations for the Service or a bill or joint resolution that continues operations for a temporary period pending the enactment of an annual appropriations act for the Service (i.e., the budgetary shutdown has ended). No refund will be made for donations obligated in whole or in part by the Service.

Article V. KEY OFFICIALS

A. THE KEY CONTACT FOR THE NATIONAL PARK SERVICE IS:

1. Superintendent Robert Arnberger.
2. Deputy Park Superintendent Gary Cummins
3. Chief Ranger or other key official designated by the Service as a closure incident commander.

B. THE KEY CONTACT FOR THE STATE OF ARIZONA IS:

1. Director of the Arizona State Parks Board or his designee.
2. Director of the Arizona Department of Administration or his designee.

Article VII. TERM AND TERMINATION

A. This Agreement is in effect only during the period of budgetary shutdown of the Service and then only on the date notice is filed with the Arizona Secretary of State by the Service under paragraph III.C. of this Agreement, and shall terminate no later than upon enactment into law of either an annual appropriations bill for the Service or a bill or joint resolution that continues the

availability of appropriated funds for the Service for a temporary period pending the enactment of an annual appropriation act for the Service.

B. Notwithstanding the provisions of paragraph A of this Article, this Agreement shall have a term of not more than 30 days from the date of last signature executing this Agreement, and may not be extended except by the written agreement of both parties.

C. If either party fails to observe any of the terms and conditions of this Agreement, the other party may terminate this Agreement for default without any legal process whatsoever by giving one (1) day written notice of termination, effective at the end of the day thereafter. Provided however, except for the first donation, which will be provided by the State to the Service at a time mutually agreed to by the parties, the Agreement will be automatically and immediately terminated if the State fails to make the donation provided for in Article II at least twenty-four (24) hours in advance.

D. The obligations of the State under this Agreement are conditioned upon the availability of funds appropriated and allocated for donation to the Service. If funds are not allocated and available for the continuance of this Agreement, the Agreement shall automatically terminate at the end of the period for which

funds are available. No continuing liability shall accrue to the State in the event of such a termination except for the liability specified in Article II.B.3. for the period that this Agreement was effective. The State shall not be obligated to make any future donations or be liable for any future payments or for any damages as result of termination under this paragraph except for liability specified in Article II.B.3.

E. The Service shall retain all data, books and other records (herein "records") relating to this Agreement for a period of 5 years after termination of the Agreement. All records shall be subject at all reasonable times to inspection and audit by the State for this 5 year period. Upon request the Service shall provide, subject to the privacy requirements of the Administrative Procedures Act, 5 U.S.C. § 551 et seq., the original of any or all such records.

F. The State may, upon written notification to the Service, immediately cancel this Agreement without further obligation or penalty, pursuant to A.R.S. §38-511 if any person significantly involved in initiating, negotiating, securing, drafting, or creating this Agreement on behalf of the State or its departments or agencies is an employee or agent of an employee or agent of any other party in any capacity or consultant to any other party to this Agreement. Such cancellation shall be effective when written

notice from the Governor of the State is received by the Service, unless the notice specifies a later time.

G. In case any one or more of the provisions of this Agreement shall for any reason be held invalid, illegal or unenforceable in any respect, this Agreement is deemed terminated by the State and the Service.

H. Notwithstanding any other provision of this Agreement to the contrary, the indemnification provisions of paragraph II.B.3. shall survive the term of this Agreement, and shall survive any termination of the Agreement, regardless of the method of termination.

Article VIII. GENERAL PROVISIONS

A. This Agreement may be executed in separate counterparts, each of which when so executed shall be deemed an original, and such counterparts together shall constitute one instrument.

B. The parties mutually covenant and agree not to sue each other challenging the legal authority of either the State or the Service to enter into this Agreement, provided nothing herein shall be construed to prevent either party from suing to enforce this Agreement or seeking any other available remedy for breach of this

Agreement.

C. No member of or delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this Agreement or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this Agreement if made with a corporation for its general benefit.

D. For purposes of this Agreement, a day begins at 12:01 a.m. Mountain Standard Time.

E. All terms and conditions with respect to this Agreement are expressly contained herein, and the parties agree that no representative or agent of any party has made any representation or promise with respect to this Agreement not expressly contained herein.

F. The parties agree that clerical and typographical errors contained herein may be corrected upon notice to the other party.

G. This Agreement shall not, nor be deemed nor construed to, confer upon any person or entity, other than the parties hereto, any right or interest, including without limiting the generality of the foregoing, any third party beneficiary status or any right to enforce any provision of this Agreement.

H. This Agreement together with the exhibits hereto, all of which are incorporated into the Agreement by reference, may not be amended or modified in any respect whatsoever, except by an instrument in writing signed by both parties.

Agreed between the parties this

_____ day of _____.

_____

Arizona State Parks Board
State of Arizona

National Park Service
Department of the Interior

RESOLUTION BY THE ARIZONA STATE PARKS BOARD

WHEREAS, the State Parks Board (hereinafter referred to as "STATE") is authorized to enter into agreements with the federal government for the joint or cooperative protection of areas of natural features, scenic beauty, historical and scientific interest which are located on federal lands within the State if such areas are being administered for the STATE pursuant to an Intergovernmental Agreement; and

WHEREAS, the Grand Canyon National Park is an area of natural features, scenic beauty, historical and scientific interest and a national treasure that attracts visitors to Arizona from all over the world; and

WHEREAS visitors to the Grand Canyon National Park spend approximately $250 million in Arizona each year, thereby sustaining communities in Northern Arizona and generating approximately $12.5 million annually in sales tax revenue for the state such that there is a public benefit inuring to the STATE in the operation of the Park and that providing funds to the federal government for the Park's operations is for a public purpose and for valuable consideration that is equitable and reasonable; and

WHEREAS, the Grand Canyon National Park is operated by the National Park Service within United States Department of the Interior (hereinafter referred to as "INTERIOR"); and

WHEREAS, the National Park Service is unable to maintain operation of the Grand Canyon National Park during periods of budgetary shutdown of the federal government due to the lack of either an annual appropriations bill for the period for the INTERIOR and the lack of a bill or joint resolution continuing the availability of appropriations for INTERIOR for a temporary period pending the enactment of such an annual appropriations bill; and

WHEREAS, INTERIOR, through the National Park Service, is authorized to accept monies that further the goals of the National Park System.

NOW, THEREFORE, be it resolved that the Arizona State Parks Board authorizes the Executive Director of Arizona State Parks or his designee to enter into a donation agreement between the National Park Service and the State of Arizona by and through the Arizona State Parks Board.

Be it further resolved by the Arizona State Parks Board that M. Jean Hassell is authorized to sign this resolution on behalf of the Arizona State Parks Board.

DATE 12/15/95

SIGNATURE M. Hassell

FIFE SYMINGTON
Governor

RUDY SERINO
Director

ARIZONA DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
1700 WEST WASHINGTON • ROOM 601
PHOENIX, ARIZONA 85007
(602) 542-1500

December 15, 1995

Mr. Edward B. Cohen
Deputy Solicitor
U. S. Department of the Interior
1849 C Street, N.W.
Room 6354
Washington, D.C. 20240

Dear Mr. Cohen:

I have been made aware of your December 14, 1995, letter to Lisa Hauser of the Governor's Office in which you request a communication from the Department of Administration (DOA) with respect to indemnification. This is to advise you that this office has conferred with the Governor's Office, consulted with the State's insurance broker and reviewed the Attorney General's December 13, 1995 opinion on this issue together with the facts of this situation.

It is our conclusion that the circumstances involved in funding the operation of the Grand Canyon National Park during a period of federal budgetary shutdown are sufficiently compelling to warrant the State's agreement to indemnify the federal government for personal injury and property claims. I believe this commitment has been expressed to you by Ms. Hauser. In addition, this indemnification is covered pursuant to A.R.S. 41-621. Because the federal government's operation of the Grand Canyon National Park benefits the State but the federal government is in a more advantageous position than the State to perform this function under these circumstances, DOA has determined that the federal government may be insured pursuant to A.R.S. 41-621(A)(3). As stated in the Attorney General's December 13th letter to the Governor, this is a determination that DOA is authorized to make and, pursuant to A.R.S. 41-701(B), DOA acts through its Director.

Sincerely,

Rudy Serino
Director

From: INPGRCASCIEMS <INPGRCASCIEMS@nps.gov>
Sent: Friday, October 04, 2013 3:20 PM
To: dave_uberuaga@nps.gov; diane_chalfant@nps.gov; kirbylynn_shedlowski@nps.gov; jon_jarvis@nps.gov
Subject: FROM GRCA DAVE
Attachments: img-X04152019-0001.pdf

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Arizona State Parks - NEWS RELEASE

Conserving Arizona's natural, cultural and recreational resources.
Address: 1300 W. Washington, Phoenix, AZ 85007

FOR IMMEDIATE RELEASE
FOR MORE INFORMATION CONTACT: Public Information Officer.....Ellen Bonnin-Bilbrey at (602)542-1996 or pager at (602) 208-5802 - home 602-279-1406. (fax: 602-542-4188) Internet... ebilbrey@pr.state.az.us WEB PAGE:http://www.pr. state.az.us.

ARIZONA STATE PARKS TRANSFERS FUNDS TO DEPARTMENT OF INTERIOR TO KEEP GRAND CANYON OPEN UNTIL JANUARY 2

(Phoenix, AZ -- December 26, 1995-) -- After the generous gift of $52,875 from John F. Long was expended, Arizona State Parks transferred $88,125 from its operating budget to keep the Canyon open. This will make the Grand Canyon the *only* National Park open and operating through December 27th. Today another $105,750 was transferred to the Department of Interior to keep the Park open until January 2nd.

"We're still hopeful that we will receive other donations from individuals and corporations not only here in our State but from around the country for the Grand Canyon," says Ken Travous, Director of Arizona State Parks. "If the federal government is still shut down by January 2 the final $17,625 dollars will be sent off to keep the Park open one more day."

"We think Arizona's tourism economy would have been deeply affected if we hadn't been able to accomplish this effort to sign this agreement with the Department of Interior," says Travous. "Visitors to Arizona spend at least $250 million each year thereby sustaining communities in Northern Arizona and generating approximately $12.5 million annually in sales tax revenue for the State."

"We received one lone check for $10 from Wisconsin before Christmas but that could only keep the Canyon open about one minute from my calculations," said Travous. "Of course, 1752 of those would keep it open for one entire day!"

Calls are coming into Arizona State Parks from around the world asking how long funding will last to keep the Canyon open. Visiting relatives of Arizona's residents are also calling and asking whether they should cancel trips to northern Arizona. Even though the other 21 National Parks in Arizona are closed, visitors are being urged to go to the Canyon and then plan their trips around the beautiful 24 STATE parks which are all still open.

At the Grand Canyon no fees are being collected at the gate and most visitor facilities between Mather Point and Hermits Rest on the South Rim will be open including visitor contact stations, lodging accommodations, food services, shops and bus tours. Community services will continue to be open as will State Highway 64 from the East Rim Drive and South Entrance Road intersections.

The historic agreement which was signed between Arizona State Parks and the Department of Interior demonstrates the significance of the Grand Canyon to the State of Arizona. If you would like to send a donation in the effort to keep the Grand Canyon open during the Federal Government shut down please stop at any STATE park or call Arizona State Parks at (602)542-1996. (Internet Web Page: http://www.pr.state.az.us) Grand Canyon information (520)638-7888.

- end -

NEWS RELEASE

u.s. department of the Interior

national park service

For Immediate Release

Public Affairs Office (520) 638-7903
(520) 638-7779

PARTIAL CLOSURE IMPLEMENTED AT GRAND CANYON NATIONAL PARK

Due to lack of federal appropriations, portions of Grand Canyon National Park are closed as of Monday, December 18, at noon. This closure will remain in effect until federal appropriations are again in place. Due to a donation agreement between the Department of Interior and the State of Arizona, this closure is less restrictive then established federal guidance indicates.

Most visitor facilities between Mather Point and Hermits Rest on the South Rim will be open including visitor contact stations, lodging accommodations, food services, shops and bus tours. Community services will remain open including the medical clinic, schools, day care center, bank, gas station, grocery store, and post office. State Highway 64 will remain open from the East Rim Drive and South Entrance Road intersections.

Those areas and facilities closed include East Rim Drive overlooks, Desert View, Tusayan Museum, trails below the canyon rim, Phantom Ranch, the Colorado River, the North Rim, and Lees Ferry. There is no visitor access to these areas; thus day and overnight backcountry hiking, river running and mule trips are not available.

Visitors currently in the park's backcountry, including those at Phantom Ranch, will be required to return to the South Rim by noon, Wednesday, December 20. All backcountry reservations are cancelled for the duration of this closure.

(more)

FACT SHEET
GRAND CANYON DONATIONS

30-Day Intergovernmental Agreement goes through January 18
Cost per day to operate $17,625

*John F. Long (first donor on Dec.15) Dec. 20,21,22	$52,875 (3 days)
State Parks Board (Dec. 15) Dec.23,24,25,26,27,28,29,30,31 Jan 1,2,3,	211,500 (12 days)
*Phoenix General Hospital (Jan.2)	$3,120. (partial day)
*Private Donations (as of January 4) Wittwer $10 (second donor) Tibbetts, O'Hail, Hughes, Roberson, Bruce, Dietz, Edwards, Murray	$185.00 (partial day)
*Air Star Helicopters (Jan.2)	$1,762.50 (partial day)
	Partal days total $5067.50
*Babbitt Brothers Trading Co. (Jan.2) Verkamps Grand Canyon Railway (Pays through January 4)	$17,500 (1 day)
*Fred Harvey Company (Jan.2) (Pays through January 7)	$52,875 (3 days)
State Parks Board (Authorization Jan.2) Pays through January 13	$105,750 (6 days)

January 8
Legislature comes in Session and possible bill to appropriate funds to keep the Canyon open will be introduced.

*Del Webb Corporation PLEDGE (Jan. 2) Pays through January 19	$100,000 (5.67 days)
*Total Private Donations	$228,717.50 (12 days)
Total State Park Board	$317,250.00 (18 days)
Grand Total	$545,967.50 (30.97 days)

*Denotes Private Donations

From: David Uberuaga <dave_uberuaga@nps.gov>
Sent: Friday, October 04, 2013 3:27 PM
To: Jonathan Jarvis
Subject: Re: GRCA-AZ # 4 The actual 17 page agreement Fwd: Scan from INPGRCASCIEMS

No response from State found yet. Several of us are searching the archives.
Will PDF other docs that we find relevant.
Dave

Dave Uberuaga
Superintendent,
Grand Canyon National Park Dave_Uberuaga@nps.gov.
928-606-7802 Cell

Sent from my I phone

On Oct 4, 2013, at 12:09 PM, Jonathan Jarvis <jon_jarvis@nps.gov> wrote:

> Do you have any responses from the state.
>
> Sent from my iPhone
>
> On Oct 4, 2013, at 2:42 PM, David Uberuaga <dave_uberuaga@nps.gov> wrote:
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>> Sent from my iPad
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>> Begin forwarded message:
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From: Jonathan Jarvis <jon_jarvis@nps.gov>
Sent: Friday, October 04, 2013 3:30 PM
To: David Uberuaga
Subject: Re: GRCA-AZ # 4 The actual 17 page agreement Fwd: Scan from INPGRCASCIEMS

Keep me coming. We are sitting around a table soaking this in. Looks like it was opened.

Sent from my iPhone

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To: diane_chalfant@nps.gov; dave_uberuaga@nps.gov; kirbylynn_shedlowski@nps.gov; jon_jarvis@nps.gov
Subject: from grca super dave
Attachments: img-X04162546-0001.pdf

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STATEMENT OF GEORGE T. FRAMPTON, ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR BEFORE THE COMMITTEE ON RESOURCES, CONCERNING H.R. 2677, A BILL TO REQUIRE THE SECRETARY OF THE INTERIOR TO ACCEPT FROM A STATE DONATIONS OF SERVICES OF STATE EMPLOYEES TO PERFORM, IN A PERIOD OF GOVERNMENT BUDGETARY SHUTDOWN, OTHERWISE AUTHORIZED FUNCTIONS IN ANY UNIT OF THE NATIONAL WILDLIFE REFUGE SYSTEM OR THE NATIONAL PARK SYSTEM, AND H.R. 2706 TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ACCEPT FROM A STATE DONATIONS OF SERVICES TO PERFORM HUNTING MANAGEMENT FUNCTIONS IN A NATIONAL WILDLIFE REFUGE DURING A GOVERNMENT BUDGETARY SHUTDOWN.

December 8, 1995

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on H.R. 2677 and H.R. 2706. H.R. 2677 requires the Secretary of the Interior to accept from states donations of services of qualified state employees during a government budgetary shutdown. Under the legislation, state employees would assume the duties otherwise performed by federal employees in any unit of the National Wildlife Refuge System or the National Park System. H.R. 2677 also prohibits state employees from being treated as federal employees for purposes relating to pay or benefits and it limits state employees to performing authorized functions only at national parks or refuges within the state. H.R. 2706 authorizes the Secretary of Interior to accept services of state employees to manage hunting in National Wildlife Refuges. The Department of the Interior opposes H.R. 2677. We have concerns with H. R. 2706, but we are hopeful that, with the appropriate amendments, we can support H.R. 2706.

It should first be noted that there would be no need for such legislation in this or any year if Congress would enact an Interior Appropriations Act acceptable to the President or a continuing resolution

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL # of pages ▶ 6

To Rob Arnberger	From Monique Van Landingham
Dept./Agency	Phone #
Fax #	Fax #

NSN 7540-01-317-7368 5099-101 GENERAL SERVICES ADMINISTRATION

until such time as an acceptable appropriations bill is enacted. We realize that the recent federal government shutdown caused some hardship around the country, but such events are infrequent and temporary.

Our objections to H.R. 2677 are fundamental. We oppose this bill also because it would seriously compromise our management of resources for which the Department is responsible. In many cases, state parks and wildlife management areas have different missions than do National Parks and National Wildlife Refuges. Preservation and management of the National Park System and National Wildlife Refuges are *national* responsibilities. These areas have been designated by Congress and are held and operated by the Department on behalf of all Americans. Federal law directs the National Park Service and the Fish and Wildlife Service to preserve and protect these national resources for future generations. Each park unit and each refuge has unique management needs.

The Secretary has statutory responsibility for ensuring parks and refuges are operated in a safe manner consistent with all applicable federal laws and regulations. Since the bill provides no restrictions on the kinds of functions that state personnel would perform, there is a possibility that compatibility determinations on new public uses and other decisions requiring highly specialized training would be made during a shutdown by state employees who are not familiar with the requirements for such decisions. The Secretary, who is legally responsible for such decision-making, would have no means to exercise control or oversight over such actions of the State employees, which might involve the use or disposal of Federal wildlife refuge resources. Many refuges and parks have no long-term management plans that are readily available to provide guidance for management

decisions. The public and the resources could be put at risk if management responsibilities are suddenly turned over to state employees who may be unfamiliar with federal standards or regulations, with specific infrastructure needs or weaknesses, or with the specific management challenges of a refuge or park. The implications from a resource management and liability standpoint are immense.

Another of our main concerns is the cost of implementing H.R. 2677. In these times of increasing fiscal constraint it seems imprudent to spend State and Federal taxpayer dollars training State employees to manage National Parks and Wildlife Refuges in case of a government shutdown and verifying state employees' qualifications to perform necessary duties. It would be unwise to use scarce financial resources to train possibly thousands of state employees who would only use their training during such a rare event as a government shutdown. In fact, because the Department has no lawfully appropriated funds to operate parks and refuges during a shutdown, any obligation of funds for facility operations beyond emergency costs directly contradicts the Antideficiency Act.

We are also concerned that H.R. 2677 does not address important liability issues. For instance, it appears that under this legislation, the federal government could be liable for tort claims if visitors in parks and refuges are injured during a federal government shutdown, even if the cause of injury were attributable to conduct of state employees. The same problems exist with regard to claims by concessionaires who feel their contracts are violated.

Moreover, although the bill says state employees are not to be treated as federal employees for the purposes of pay or benefits, it does not specify who is liable if state employees are injured or killed while working in national parks and refuges or which entity is responsible for providing workmen's

compensation. Of course risks will be higher with State employees who are not familiar with a particular unit. The bill also runs counter to long-standing provisions in the Antideficiency Act to protect the interests of federal employees by generally restricting the acceptability of volunteer services to fulfill the primary duties of federal employees.

In addition, H.R. 2677 is silent on numerous other management issues that could cause serious problems in the day-to-day operation of parks and refuges. The bill gives no indication how fees are to be collected or whether the revenue generated from fees is the responsibility of the federal government or the state government. Under existing law, these fees could not be made available to the states, but must be deposited in the Treasury. Nor does the bill provide any guidance for cases in which park units or refuges are in two or more states, such as Yellowstone National Park and Upper Mississippi National Wildlife and Fish Refuge. It does, however, specify that, "An employee of a State may perform functions under this section only within areas of a Unit that are located in the State." Under this provision, we can foresee many management and visitor safety problems in federal areas that span the boundaries of two or more states.

It might be possible to continue operation of specific parks and refuges with legislation to authorize the National Park Service and the Fish and Wildlife Service to accept and expend funds from states to continue operating federal facilities with trained and experienced federal employees during a budgetary shutdown. There are a number of issues to take into account, but we are willing to work with Congress to explore this possibility. Such legislation would have to cover all operational costs associated with the park or refuge during the period of shutdown and address issues of liability.

H.R. 2706 addresses only the State management of hunting programs on National Wildlife Refuges during a shutdown. By conditioning the acceptance of State assistance upon an agreement between the Secretary and the State in question, and by specifying reasonable terms for the agreements and qualifications for State employees, the bill ensures that those replacing the refuge staff would both be needed and, in fact, qualified. By limiting the scope of the replacements' activities to a particular type of program, rather than overall management of the unit, the bill ensures that the Secretary would maintain control over the overall management of the refuge.

At the same time, however, we believe the bill should be amended to address concerns we have about liability and cost issues. We also believe that the Secretary should have the authority to enter into these agreements, but should not be mandated to do so.

We recognize that in some areas of the country, refuges represent a significant portion of the available public hunting areas, and we want to do all we can to maintain or expand those hunting opportunities. The Fish and Wildlife Service currently has a number of agreements with State agencies for cooperative management of hunting and other recreational programs on units of the National Wildlife Refuge System, and those programs did proceed during the shutdown.

Notwithstanding the recent shutdown, for both budgetary and policy reasons, the Service is likely to pursue an increasing number of cooperative agreements with States and other entities in the future, covering hunting programs on refuges. These agreements could -- but will not necessarily -- provide for continuation of the program during shutdowns, depending upon whether the cooperating State

or other entity is willing to assume the liability and costs arising from the program during a shutdown. Importantly, these agreements result in an orderly sharing of responsibility and training.

It must be recognized, however, that the Service and the State wildlife agencies have differing legal mandates. As a result, achieving such agreements for cooperative management of refuge hunting programs may be difficult even during the course of normal business, and not all such agreements in the past have been successful. We cannot guarantee that such agreements could be negotiated and finalized for all refuges in the foreseeable future.

To undertake the monumental task of securing such agreements, including provisions for training State employees and addressing liability, for the sole or primary purpose of operating hunting programs during those extremely rare periods of Federal shutdowns may simply not be practical. The necessary resources to do this could only be made available by taking them away from other State and Service programs. We question whether this is a wise or even reasonable use of those limited resources. Certainly, it would be far more practical for the states to provide the Service with funding as we have proposed regarding H.R. 2677.

This concludes my written remarks, Mr. Chairman. I will be pleased to answer any questions you may have.

From: INPGRCASCIEMS <INPGRCASCIEMS@nps.gov>
Sent: Friday, October 04, 2013 4:30 PM
To: jon_jarvis@nps.gov; dave_uberuaga@nps.gov; diane_chalfant@nps.gov
Subject: from grca dave
Attachments: img-X04163002-0001.pdf

Please open the attached document. It was scanned and sent to you using INPGRCASCIEMS.

Number of Images: 2
Attachment File Type: PDF

Device Name: INPGRCASCIEMS
Device Location: INP\IMR GRCA SCI South Rim EMS

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United States Department of the Interior

OFFICE OF THE SOLICITOR

December 8, 1995

Honorable Fife Symington
Governor
State of Arizona
Phoenix, Arizona 85007

Dear Governor Symington:

In your testimony this morning before the House Resources Committee, you suggested that the Department of the Interior was somehow responsible for the lack of, as you put it, "constructive negotiations" between the State of Arizona and the Department of the Interior to develop a contingency plan to operate Grand Canyon National Park in the event of another government shutdown. The facts are otherwise.

You may recall I wrote you on November 17 explaining in some detail the constraints imposed by federal law on our ability to enter into an arrangement with the State to keep the Park open. That letter invited you to submit to us "a specific proposal that meets the[se] legal concerns." On November 22, 1995, Deputy Solicitor Edward Cohen spoke with Jay Heiler of your staff reiterating our willingness to enter into these discussions. Mr. Cohen emphasized our need for the assurances referred to in my November 17 letter, including that the State agree to assume liability for any legal claims that arise while the Park remained open. These assurances are particularly important because the Arizona Attorney General's Office issued an opinion (also on November 17) noting that funding and liability issues had to be worked out, and "highly" recommending that the State seek to have the Federal Government assume liability in any such agreement.

Since November 22, we have heard nothing from you and your Office. We have waited for any indication of your willingness or ability to solve this basic issue. Now, of course, we have lost sixteen days. As my November 17 letter indicated, this is uncharted territory. There are likely a number of other legal and practical difficulties that would remain to be resolved.

In this morning's hearing, you indicated - for the first time - the State's willingness to (1) reimburse the United States for all costs associated with keeping Grand Canyon National Park open during a period of shutdown, including costs of salary of all federal personnel and operating expenses; and (2) indemnify the United States for all claims filed with respect to personal and property loss during the period that the Park is open using State funds.

The terms of this offer, if it is one, are substantially different from the bill before the Committee today. It is also a far cry from the proposal in your November 16, 1995 letter. That letter outlined terms of a takeover that were simply illegal under federal law, as my letter of November 17, 1995, pointed out and you have not disputed.

As we said on November 17 and again 16 days ago, we remain available to discuss with you and your staff the complex terms of a contingency plan to keep Grand Canyon National Park open in the event of another shutdown. Once again, I hope you share our hope that the Congress will pass an acceptable Interior Department appropriation bill that would avoid such a shutdown.

Please telephone Mr. Cohen at 202/208-4813 if you wish to arrange for such discussion.

Sincerely,

John D. Leshy
Solicitor

cc: Honorable Grant Woods, Attorney General

From: INPGRCASCIEMS <INPGRCASCIEMS@nps.gov>
Sent: Friday, October 04, 2013 4:32 PM
To: jon_jarvis@nps.gov; dave_uberuaga@nps.gov; diane_chalfant@nps.gov
Subject: from grca dave
Attachments: img-X04163136-0001.pdf

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CLOSURE II LOG INVOLVING
THE ARIZONA DONOR AGREEMENT

MONDAY, DECEMBER 18, 1995

0800	No notification of any change from "soft" closure.
0830	Received phone messages from LISA JACKSON Cong. Stump' office, and JOE LANE Governor's office. Jackson reported having received faxed press release on shut down, and that the Governor's office had called them.
0900	STEVE BONE reports planning meeting OK, no word from WASO or Denver. Team ready implement hard closure with or without agreement.
0940	Rumors of hard closure. Unconfirmed.
0945	Talk to ROB in Phoenix. Tell him I'll call JOE LANE to say we have heard nothing, will continue "soft" closure activity. Meanwhile will try to find out what's happening in WASO.
0950	PAUL BERKOWITZ reports that BOB MARRIOTT had called saying MARY BRADFORD was preparing issuance of "hard" closure notification.
0955	Call ROB, pass on BERKOWITZ's information. Try to confirm. Will try to get information on Arizona State agreement from ED COHEN.
1000	Talk to BOB REYNOLDS, ask if he's heard anything. Same problems -- have heard same as Berkowitz, but no official communication. Very irritated about breakdown in communication, notification.
1010	Call ED COHEN. Told not to discuss with anyone from state....have them call him. Re status of the agreement... "I'm trying to finish it." Ask about possible reimbursement to state if emergency people are paid out of ONPS. Told not to discuss it with state.

MONDAY, DECEMBER 18

1010	Talk to ROB....relay COHEN's communication. Still no confirmation on anything.
1015	Get word from DAVE BARNA, DOI Public Affairs....via MAUREEN OLTROGGE, Press conference held announcing hard closure and agreement with the state having been signed.
1016	Call BOB REYNOLDS, am told hard closure in effect. We also discuss reimbursement issue with agreement -- BRUCE SHEAFFER had apparently been adamant that the funds will not revert to state if employees eventually paid. Agree that our rules governing donations are that we can only accept donations that are unencumbered -- they stay with us.
	Call IC -- Implement hard closure and provisions of state agreement.
1020	Call ROB with implementation information.
1025	Inform VC staff. RAYMOND GUNN begins to notify concessioners to implement re: agreement. Team begins barricading Bright Angel, North Kaibab, and Hermit trailheads. For operations -- "business as usual for a normal weekend-type.
1030	Talk to JOE LANE, tell him we are implementing the agreement. He asks if we are collecting fees, I respond in the negative.
1040	BOB REYNOLDS forwards official closure notice.
1050	ROB calls to say he is returning.
1130	IC holds planning meeting. No problems. Clarification on terms of closure re interpretive programs -- repeat "typical weekend" scenario -- all interp programs in village to resume.
1155	BRUCE SHEAFFER calls, asking for details of closure under terms of agreement. No money received from state as yet.
1230	MALLORY SMITH repeats story of contact with DAVE BARNA who reports "unconfirmed report" of signing of state agreement.

MONDAY, DECEMBER 18

1335 MALLORY SMITH reports that Yosemite is putting together figures for the State of California for a proposal similar to that of Grand Canyon NP's with Arizona.

1357 ED COHEN calls...asks what the terms are here for a hard closure...."how much time do they have?" I tell him the closure goes into effect immediately but concessions facility occupants have 48 hours to vacate from the time the order is given.
He says..."then I can tell the governor that the order began at 11:00 and they need to send the money?" I say that is close enough and accurate so far as official notification was received.
He says.."but you're not making a big deal about it, because you're not doing it, right?" I say, we are not, as we immediately implemented the terms of the agreement along with the so-called hard closure, and also we notified the governor's office of this fact.

1430 As of this time no word on status of the agreement.

1440 MALLORY SMITH and MAUREEN OLTROGGE report a call from ELLEN BILBREY -- Public Affairs person from Arizona State Parks. Wants to know who in Grand Canyon NP should they transfer the monies to vis a vis the agreement. Told that the arrangement is not with Grand Canyon, but with the Department of the Interior. Appears somewhat flustered that its too late to do electronic funds transfer today.....

1500 Lunch

1530 Calls from MICHAEL JIMENEZ, Congressman KOLBE's staff; B.J. GRIFFEN at YOSE; BOB BARTELL of the U.S. Attorney's office in Phoenix; and ROB.

1549 Receive word that the agreement with Arizona for keeping Grand Canyon open is being faxed to us.

1550 Return call to JIMENEZ. He asks how things are going -- what's open and what's closed. Asks for a copy of the agreement to be faxed to his office. Reports that PRESIDENT CLINTON has vetoed the Interior Appropriations Bill.

MONDAY, DECEMBER 18

1552	Leave voice mail message with BARTELLS informing him of status of park and agreement.
	B.J.'s line busy.
1555	Talk to ROB, with status information.
1600	Cruise park, check on all trail head barricades, entrance station, and general traffic. No problems -- everything in order.
1730	Conversation with B.J. GRIFFIN, with information on how negotiations with the state were carried out. Give her ED COHEN as a reference. She reports pressure from local Congressman to get local authorities to pony up to keep YOSE open.
1800	Head for home. Hear NPR report that GOV. SYMINGTON will not sign agreement until a ceremony can be arranged.

TUESDAY, DECEMBER 19

0800	Attend morning briefing. No significant problems. Morale still good. Note (too late) that JERRY HERMANN is attending.
0855	ccMail COHEN's phone number to B. J. GRIFFIN.
0915	Ask MALLORY SMITH to fax copy of agreement to U.S. Attorney's office.
1045	Receive word from DWAYNE COLLIER that the Arizona Attorney-General, GRANT WOODS, made a ruling that GOVERNOR SYMINGTON could not sign the agreement -- must be someone from the Arizona Parks Board.
	Move of the Winnepeg Jets hocky team from Canada to Phoenix has stolen media attention this morning.
1155	Conversation with MICHELLE JACKSON about personnel issues with the closure. She is reminding IC that all permanent employees should be considered for Emergency jobs before temporaries are.

TUESDAY, DECEMBER 19

1500	Word from State Parks office received. Signing went through alright.
1500	Call from BRUCE SHEAFFER. Funds received from state. Tracking system established.

WEDNESDAY, DECEMBER 20

0800	Morning briefing. No significant problems. Issue arose on scheduled deliveries. Importance of accurate time keeping emphasized.
0830	Toured park. South Entrance station running low on information sheets. Main park road has thin snow pack. Traffic light. Weather clear, temperature - +8.
0910	ccMail from BRUCE SHEAFFER. Sufficient funds received from Arizona to operate through December 22.
0915	ELLEN BILBREY -- Public Affairs for Arizona State Parks called to ask if someone could pick up banners thanking GOVERNOR SYMINGTON and real estate developer JOHN LONG for their efforts and donations to keep Grand Canyon National Park open. She was told yesterday that NPS donation policies do not permit this kind of recognition. She apparently does not get it. These banners were to be placed at entrance stations and use facilities.
0945	Notified BOB REYNOLDS of the banner issue.
1000	It now appears that state parks will contact someone in Tusayan to put the banners up on private property there.
1000	All employees meeting. Passed on information regarding payroll, reopening, leave, counselling services available. Few questions on length of close down, etc. Only 12 attendees.

WEDNESDAY, DECEMBER 20

Cold weather causing problems in several houses (broken water pipes, heater malufunctions, etc.

1049 Word received of heart attack victim at Thunderbird Lodge. Staff on site within two minutes. Victim, a Mr. Verrett, a Fred Harvey employee does not respond to CPR, transferred to Grand Canyon Clinic, declared dead.

1100 Word of snow fall on State Route 64 (East Rim Drive) -- hazardous driving, at least one rollover accident. 14 tons of cinders placed on Bugeln Hill area.

THURSDAY, DECEMBER 21

0800 Morning briefing. Everything running well. Some persons reported bypassing barricades into the inner canyon. Need to keep barricades manned.

Sense of growing anger toward Congress on budget, especially after seeing some members posturing.

0900 Word of DOI receiving monies from state from BRUCE SHEAFFER.

1100 Discuss morale issue with ROB ARNBERGER.

FRIDAY, DECEMBER 22

0800 Morning briefing. Going to new plan for "long haul" after word is received of Congress recessing until next week. Almost sense of relief that at least we know what to expect.

Talks by ROB and me with morale issue in mind. Good response.

New plans for Saturday through Christmas prepared. Working in rotations out of personnel involved from beginning.

0900 Take down ccMail message from BRUCE SHEAFFER. $88,000+ sent to DOI to carry us through the 27th.

FRIDAY, DECEMBER 22

0930	Pass information to ROB ARNBERGER, who reports conversation with Arizona Parks Board member. They will probably meet next week and transmit a week's worth of funds to take us into New Years week.
1045	Hear from MALLORY SMITH through ELLEN BILBREY, Arizona State Parks, that Grand Canyon Fund contributor JOHN LONG may fly to the park in near future.
1100	Contacted by BILL BOHANNON, FRED HARVEY COMPANY concession manager. Has been asked to contribute to state Grand Canyon Fund. Asks if such a donation OK with park management. Discuss with ROB ARNBERGER, recommend OK.
1110	Call BILL BOHANNON with OK from park to contribute.
1120	Report from CHARLIE PETERSON that morale among field staff is good.
1130	Called JOHN KING with status update.
1145	Go to Ranger Operations.

SATURDAY, DECEMBER 23, 1995
TO
FRIDAY, JANUARY 5, 1996

Operations were routine.

From: INPGRCASCIEMS <INPGRCASCIEMS@nps.gov>
Sent: Friday, October 04, 2013 4:37 PM
To: jon_jarvis@nps.gov; dave_uberuaga@nps.gov; diane_chalfant@nps.gov
Subject: more from grca
Attachments: img-X04163728-0001.pdf

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RESOLUTION BY THE ARIZONA STATE PARKS BOARD

WHEREAS, the State Parks Board (hereinafter referred to as "STATE") is authorized to enter into agreements with the federal government for the joint or cooperative protection of areas of natural features, scenic beauty, historical and scientific interest which are located on federal lands within the State if such areas are being administered for the STATE pursuant to an Intergovernmental Agreement; and

WHEREAS, the Grand Canyon National Park is an area of natural features, scenic beauty, historical and scientific interest and a national treasure that attracts visitors to Arizona from all over the world; and

WHEREAS visitors to the Grand Canyon National Park spend approximately $250 million in Arizona each year, thereby sustaining communities in Northern Arizona and generating approximately $12.5 million annually in sales tax revenue for the state such that there is a public benefit inuring to the STATE in the operation of the Park and that providing funds to the federal government for the Park's operations is for a public purpose and for valuable consideration that is equitable and reasonable; and

WHEREAS, the Grand Canyon National Park is operated by the National Park Service within United States Department of the Interior (hereinafter referred to as "INTERIOR"); and

WHEREAS, the National Park Service is unable to maintain operation of the Grand Canyon National Park during periods of budgetary shutdown of the federal government due to the lack of either an annual appropriations bill for the period for the INTERIOR and the lack of a bill or joint resolution continuing the availability of appropriations for INTERIOR for a temporary period pending the enactment of such an annual appropriations bill; and

WHEREAS, INTERIOR, through the National Park Service, is authorized to accept monies that further the goals of the National Park System.

NOW, THEREFORE, be it resolved that the Arizona State Parks Board authorizes the Executive Director of Arizona State Parks or his designee to enter into a donation agreement between the National Park Service and the State of Arizona by and through the Arizona State Parks Board.

Be it further resolved by the Arizona State Parks Board that M. Jean Hassell is authorized to sign this resolution on behalf of the Arizona State Parks Board.

DATE 12/15/95

SIGNATURE M. Hassell

From: Neimeyer, Sarah <sarah_neimeyer@ios.doi.gov>
Sent: Friday, October 11, 2013 8:41 AM
To: Jonathan Jarvis; Maureen Foster
Subject: 1995?

There continue to be reports that Parks were reopened in 1995. I have been telling folks that a mechanism was put in place to accept donations, but no parks were actually opened. Is this correct? If not, can you clarify what happened in 1995-6. Thanks, Sarah

--
Sarah C. Neimeyer, Director
Office of Congressional and Legislative Affairs
Office of the Secretary
Department of the Interior
1849 C Street, NW
Washington, DC 20240

Office - (202) 208-5557
Fax - (202) 208-5533

From: Foster, Maureen <maureen_foster@nps.gov>
Sent: Friday, October 11, 2013 9:33 AM
To: Neimeyer, Sarah
Cc: Jonathan Jarvis
Subject: Re: 1995?

That is my understanding but I will defer to Jon.

Maureen D. Foster
Chief of Staff
National Park Service
1849 C Street, NW, Room 3114
Washington, DC 20240
202.208.5970 (direct)
202.208.3818 (main)

EXPERIENCE YOUR AMERICA
The National Park Service cares for special places
saved by the American people,
so that all may experience our heritage.

On Fri, Oct 11, 2013 at 8:40 AM, Neimeyer, Sarah <sarah_neimeyer@ios.doi.gov> wrote:
There continue to be reports that Parks were reopened in 1995. I have been telling folks that a mechanism was put in place to accept donations, but no parks were actually opened. Is this correct? If not, can you clarify what happened in 1995-6. Thanks, Sarah

--
Sarah C. Neimeyer, Director
Office of Congressional and Legislative Affairs
Office of the Secretary
Department of the Interior
1849 C Street, NW
Washington, DC 20240

Office - (202) 208-5557
Fax - (202) 208-5533

From: Jarvis, Jonathan <jon_jarvis@nps.gov>
Sent: Friday, October 11, 2013 12:58 PM
To: Foster, Maureen
Cc: Neimeyer, Sarah
Subject: Re: 1995?

Sarah: My understanding of the 1995-96 situation was that agreement with Arizona and a few other places was reached and signed, money transferred and deposited but before it could be expended, the shut down ended. As a peace offering to the Governor of Arizona, the Superintendent re-opened the closed road to Mather Point at the Canyon, but not anything else. The re-opening of this road was done without the use of the State funds, but the perception by the public is that we took the money and opened the grand canyon. Our records indicate we returned the funds to the state since they were never used. This version has been confirmed by a number of people, all of whom have bad memories.

On Fri, Oct 11, 2013 at 9:33 AM, Foster, Maureen <maureen_foster@nps.gov> wrote:
That is my understanding but I will defer to Jon.

Maureen D. Foster
Chief of Staff
National Park Service
1849 C Street, NW, Room 3114
Washington, DC 20240
202.208.5970 (direct)
202.208.3818 (main)

EXPERIENCE YOUR AMERICA
The National Park Service cares for special places
saved by the American people,
so that all may experience our heritage.

On Fri, Oct 11, 2013 at 8:40 AM, Neimeyer, Sarah <sarah_neimeyer@ios.doi.gov> wrote:
There continue to be reports that Parks were reopened in 1995. I have been telling folks that a mechanism was put in place to accept donations, but no parks were actually opened. Is this correct? If not, can you clarify what happened in 1995-6. Thanks, Sarah

--
Sarah C. Neimeyer, Director
Office of Congressional and Legislative Affairs
Office of the Secretary

Department of the Interior
1849 C Street, NW
Washington, DC 20240

Office - (202) 208-5557
Fax - (202) 208-5533

--
Jonathan B. Jarvis
Director, NPS

From: Stone, Eric <eric_stone@nps.gov>
Sent: Friday, October 04, 2013 6:45 PM
To: Sheaffer, Bruce
Cc: Greatorex, Jennifer; Timothy Bailey
Subject: Re: Donation Research

Bruce,

We could easily pull a full subsidiary of costs against those accounts in AFS3 or with a mainframe extract from FFS. Unfortunately, we took AFS3 down during the shutdown, and don't have staff on board to pull an FFS extract.

Thanks,

Eric Stone, CFM
FBMS Program Manager/Bureau Lead
National Park Service
Office: 703.487.9087
Cell: 703.201.1842
eric_stone@nps.gov

To learn more about FBMS, go to http://share.nps.gov/FBMS

On Fri, Oct 4, 2013 at 6:15 PM, Sheaffer, Bruce <bruce_sheaffer@nps.gov> wrote:
thanks... does the org code give us any clues?? would we have any records to indicate how it was spent..

On Fri, Oct 4, 2013 at 4:37 PM, Greatorex, Jennifer <jennifer_greatorex@nps.gov> wrote:
Bruce,

Tim and Eric researched and found 3 large donations during that timeframe. The third one appears to be to keep Independence Hall open in Philly. Tim found several news articles that explain the dollars amounts. I will forward the second one he found to you as well. They are good detectives!!!

Jennifer Greatorex
Accounting Operations Center Manager
National Park Service
13461 Sunrise Valley Drive
Herndon, VA 20171

703.487.9133 Phone
703.217.3247 Cell Phone
703.487.9196 Fax
email: jennifer_greatorex@nps.gov

---------- Forwarded message ----------
From: **Greatorex, Jennifer** <jennifer_greatorex@nps.gov>
Date: Fri, Oct 4, 2013 at 4:34 PM
Subject: Fwd: Donation Research
To:
Cc: Eric Stone <eric_stone@nps.gov>, Timothy Bailey <timothy_bailey@nps.gov>

Bruce,

Tim and Eric researched and found 3 large donations during that timeframe (here is the first one). The third one appears to be to keep Independence Hall open in Philly. Tim found several news articles that explain the dollars amounts. I will forward the second one he found to you as well. They are good detectives!!!

Jennifer

Jennifer Greatorex
Accounting Operations Center Manager
National Park Service
13461 Sunrise Valley Drive
Herndon, VA 20171

703.487.9133 Phone
703.217.3247 Cell Phone
703.487.9196 Fax
email: jennifer_greatorex@nps.gov

On Fri, Oct 4, 2013 at 4:18 PM, Stone, Eric <eric_stone@nps.gov> wrote:
Well whata-ya-know! The other two donations in the Business Services account were for New Mexico (where Carlsbad is) and Philly (where INDE is). Here are those two:

```
ACTION: R  SCREEN: SPRJ USERID: EJS1
SUBPROJECT REFERENCE DATA SCREEN
KEY IS BFYS, FUND, ORGN, JOB(PROJ), PGM(PWE)
01-
        *** SUB-PROJECT ***
      BFYS   FUND  ORGN  JOB(PROJ)  PGM(PWE)
   1996      26    2622   7090       600
   MAX AMOUNT:                0.00  FUNDS CONTROL IND: N  STATUS IND: I
   EST REIM/REC:               0.00
   PROJECT LEVEL JOB CODE: 7090
   DESCRIPTION: NEW MEXICO

                    *** SUBPROJECT-TO-DATE ***
     COMMITMENTS:              0.00  BILLING ADJUST:              0.00
     OBLIGATIONS:              0.00   EXP ADJUST IN:              0.00
    EXPENDITURES:         65,625.00 OBLIG ADJUST IN:              0.00
    PROJ CHARGES:              0.00   NET AVAIL BAL:        -65,625.00

    ACT REIM/REC:         65,625.00
```

```
ACTION: R  SCREEN: SPRJ USERID: EJS1
SUBPROJECT REFERENCE DATA SCREEN
KEY IS BFYS, FUND, ORGN, JOB(PROJ), PGM(PWE)
01-
        *** SUB-PROJECT ***
      BFYS   FUND  ORGN  JOB(PROJ)  PGM(PWE)
   1996      26    2622   7092       600
   MAX AMOUNT:                0.00  FUNDS CONTROL IND: N  STATUS IND: 1
   EST REIM/REC:               0.00
   PROJECT LEVEL JOB CODE: 7092
   DESCRIPTION: PHILADELPHIA

                     *** SUBPROJECT-TO-DATE ***
     COMMITMENTS:              0.00  BILLING ADJUST:              0.00
     OBLIGATIONS:              0.00   EXP ADJUST IN:              0.00
    EXPENDITURES:         16,700.00 OBLIG ADJUST IN:              0.00
    PROJ CHARGES:              0.00   NET AVAIL BAL:        -16,700.00

    ACT REIM/REC:         16,700.00
```

Eric Stone, CFM
FBMS Program Manager/Bureau Lead
National Park Service
Office: 703.487.9087
Cell: 703.201.1842
eric_stone@nps.gov

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On Fri, Oct 4, 2013 at 4:15 PM, Bailey, Timothy <timothy_bailey@nps.gov> wrote:
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Respectfully,

Timothy Bailey
Supervisory Financial Operations Specialist
Payment and Travel Management Team

NPS, Accounting Operations Center

Attention: Payment and Travel Management Team
13461 Sunrise Valley Drive
Herndon, VA 20171

Email: timothy_bailey@nps.gov
Customer Service Line: (703) 487-9000
Direct Phone Line: (703) 487-9129
Fax: (703) 487-9196
Web: http://www.aoc.nps.gov

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```
ACTION: R  SCREEN: SPRJ USERID: EJS1
SUBPROJECT REFERENCE DATA SCREEN
KEY IS BFYS, FUND, ORGN, JOB(PROJ), PGM(PWE)
01-
        *** SUB-PROJECT ***
      BFYS   FUND  ORGN  JOB(PROJ)  PGM(PWE)
   1996      26    2622   7091       600
   MAX AMOUNT:                0.00  FUNDS CONTROL IND: N  STATUS IND: 1
   EST REIM/REC:                0.00
   PROJECT LEVEL JOB CODE: 7091
   DESCRIPTION: ARIZONA

                      *** SUBPROJECT-TO-DATE ***
     COMMITMENTS:                0.00  BILLING ADJUST:              0.00
     OBLIGATIONS:                0.00   EXP ADJUST IN:              0.00
    EXPENDITURES:          370,125.00 OBLIG ADJUST IN:              0.00
    PROJ CHARGES:                0.00   NET AVAIL BAL:       -370,125.00

    ACT REIM/REC:          370,125.00
```

Thanks,

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Thanks
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email: jennifer_greatorex@nps.gov

--
C. Bruce Sheaffer
Comptroller
National Park Service
202-208-4566
bruce_sheaffer@nps.gov

From: Greatorex, Jennifer <jennifer_greatorex@nps.gov>
Sent: Friday, October 04, 2013 7:05 PM
To: Stone, Eric
Cc: Sheaffer, Bruce; Timothy Bailey
Subject: Re: Donation Research

Bruce,

Tim has offered to go in to the office tomorrow and try to get some details in FFS.. We didn't know the urgency so let us know if you want something tomorrow.

Jennifer

Jennifer Greatorex
Accounting Operations Center Manager
National Park Service
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Bruce,

Tim and Eric researched and found 3 large donations during that timeframe. The third one appears to be to keep Independence Hall open in Philly. Tim found several news articles that explain the dollars amounts. I will forward the second one he found to you as well. They are good detectives!!!

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---------- Forwarded message ----------
From: **Greatorex, Jennifer** <jennifer_greatorex@nps.gov>
Date: Fri, Oct 4, 2013 at 4:34 PM
Subject: Fwd: Donation Research
To:
Cc: Eric Stone <eric_stone@nps.gov>, Timothy Bailey <timothy_bailey@nps.gov>

Bruce,

Tim and Eric researched and found 3 large donations during that timeframe (here is the first one). The third one appears to be to keep Independence Hall open in Philly. Tim found several news articles that explain the dollars amounts. I will forward the second one he found to you as well. They are good detectives!!!

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```
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SUBPROJECT REFERENCE DATA SCREEN
KEY IS BFYS, FUND, ORGN, JOB(PROJ), PGM(PWE)
01-
        *** SUB-PROJECT ***
      BFYS   FUND  ORGN  JOB(PROJ)  PGM(PWE)
   1996      26    2622   7090       600
   MAX AMOUNT:                0.00  FUNDS CONTROL IND: N  STATUS IND: I
   EST REIM/REC:                0.00
   PROJECT LEVEL JOB CODE: 7090
   DESCRIPTION: NEW MEXICO

                      *** SUBPROJECT-TO-DATE ***
     COMMITMENTS:                0.00  BILLING ADJUST:              0.00
     OBLIGATIONS:                0.00   EXP ADJUST IN:              0.00
    EXPENDITURES:           65,625.00 OBLIG ADJUST IN:              0.00
    PROJ CHARGES:                0.00   NET AVAIL BAL:        -65,625.00

    ACT REIM/REC:           65,625.00
```

```
ACTION: R  SCREEN: SPRJ USERID: EJS1
SUBPROJECT REFERENCE DATA SCREEN
KEY IS BFYS, FUND, ORGN, JOB(PROJ), PGM(PWE)
01-
        *** SUB-PROJECT ***
      BFYS   FUND  ORGN  JOB(PROJ)  PGM(PWE)
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   EST REIM/REC:                0.00
   PROJECT LEVEL JOB CODE: 7092
   DESCRIPTION: PHILADELPHIA

                      *** SUBPROJECT-TO-DATE ***
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   DESCRIPTION: ARIZONA

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     COMMITMENTS:              0.00  BILLING ADJUST:              0.00
     OBLIGATIONS:              0.00   EXP ADJUST IN:              0.00
    EXPENDITURES:        370,125.00 OBLIG ADJUST IN:              0.00
    PROJ CHARGES:              0.00   NET AVAIL BAL:       -370,125.00

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C. Bruce Sheaffer
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National Park Service
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bruce_sheaffer@nps.gov

From: Stone, Eric <eric_stone@nps.gov>
Sent: Friday, October 04, 2013 7:19 PM
To: Bruce Sheaffer
Cc: Jennifer Greatorex
Subject: Re: Donation Research

I can't say it's not possible that it was returned. Technically if we had, it should have been processed as an expenditure refund, which would have reduced the expenditure amounts I sent down to $0, but who knows how they processed things back then...

Since this is urgent, I recommend we recall Tracy Chop Chang to pull a full extract from the FFS mainframe. Please let me and Jennifer know if this is what you'd like and we can view the full expenditure details.

Thanks,

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On Fri, Oct 4, 2013 at 7:11 PM, Bruce Sheaffer <bruce_sheaffer@nps.gov> wrote:
It is possible it was returned?

Sent from my iPad

On Oct 4, 2013, at 7:10 PM, "Stone, Eric" <eric_stone@nps.gov> wrote:

> Bruce,
>
> They didn't obligate it against this account, since all the project accounts are showing $0 in the obligation field. It is possible, however, that the parks used the funding for contracts and did expenditure transfers to the Business Services account afterwards. Or it could all be federal labor. Very difficult to tell without a full subsidiary by BOC and document.
>
> Thanks,
>
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Can you tell if we obligated it

Sent from my iPad

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To:
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<image.png>

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<image.png>

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--
C. Bruce Sheaffer
Comptroller
National Park Service
202-208-4566

bruce_sheaffer@nps.gov

From: Stone, Eric <eric_stone@nps.gov>
Sent: Friday, October 04, 2013 9:38 PM
To: Bruce Sheaffer
Cc: Jennifer Greatorex; Timothy Bailey
Subject: Re: Donation Research

Bruce,

We were able to determine that all of these donations were refunded to the states. The payment details for all three are shown in the screenshots below (Independence was two separate payments).

```
ACTION: R  SCREEN: PVHT USERID: EJS1
                  *** VOUCHER HEADER INQUIRY TABLE ***
KEY IS VENDOR CODE, TRANS CODE, VOUCHER NO, TRAVEL ADVANCE NUM
01-
     VENDOR CODE: STANEWMEX  6  TRANS CODE: P2    VOUCHER NO: MT71706DFSD
            NAME: STATE OF NEW MEXICO             TRAVEL ADVANCE NUM:
         ADDRESS: DEPT ENERGY AND MINERALS        NO CHECK DISB FLAG: N
                :                                    PROMPT PAY TYPE:
                :                                      LAST BATCH ID:
                : SANTA FE            NM 87505
     DESCRIPTION:                FA IND:    INV IND:     VOUCHER TYPE: 1
      CHECK TYPE:    D.D.: PFC   PAYMENT CAT: V   OFFSET ELIGIBILITY: Y
    AGREEMENT # :                         DISB RUN NUMBER: 00000
    SCHD FISC YR:       SCHD CAT: A  SCHD TYP: M  SCHD NO:
    VOUCHER DATE: 02 22 1996                VOUCHER AMT:          65,625.00
       SCHD DATE: 02 22 1996               HOLDBACK AMT:               0.00
     CLOSED DATE: 02 26 1996                 CLOSED AMT:          65,625.00
      PPAY SCHED DATE:                   OUTSTANDING AMT:               0.00
    AGENCY HEAD APRVL:                    IN TRANSIT AMT:               0.00
    COMMENTS TO PRINT: REPAYMENT OF DONATED FUNDS STATE OF NM
     INTR AGCY SYMBOL:                  DIRECT DISB NUMBER:
```

```
ACTION: R  SCREEN: PVHT USERID: EJS1
                  *** VOUCHER HEADER INQUIRY TABLE ***
KEY IS VENDOR CODE, TRANS CODE, VOUCHER NO, TRAVEL ADVANCE NUM
01-
     VENDOR CODE: STATARIZ   5  TRANS CODE: P2    VOUCHER NO: MT82106DFSD
            NAME: STATE OF ARIZONA                TRAVEL ADVANCE NUM:
         ADDRESS: .                               NO CHECK DISB FLAG: N
                :                                    PROMPT PAY TYPE:
                :                                      LAST BATCH ID:
                : PHOENIX             AZ 85007
     DESCRIPTION:                FA IND:    INV IND:     VOUCHER TYPE: 1
      CHECK TYPE:    D.D.: PFC   PAYMENT CAT: V   OFFSET ELIGIBILITY: Y
    AGREEMENT # :                         DISB RUN NUMBER: 00000
    SCHD FISC YR:       SCHD CAT: S  SCHD TYP: M  SCHD NO:
    VOUCHER DATE: 02 22 1996                VOUCHER AMT:         370,125.00
       SCHD DATE: 02 22 1996               HOLDBACK AMT:               0.00
     CLOSED DATE: 02 23 1996                 CLOSED AMT:         370,125.00
      PPAY SCHED DATE:                   OUTSTANDING AMT:               0.00
    AGENCY HEAD APRVL:                    IN TRANSIT AMT:               0.00
    COMMENTS TO PRINT: REPAYMENT OF DONATED FUNDS STATE ARIZONA
     INTR AGCY SYMBOL:                  DIRECT DISB NUMBER:
01-AP66W PAID BY EFT
```

```
ACTION: 1  SCREEN: PVHT OSERID: EJS1
                    *** VOUCHER HEADER INQUIRY TABLE ***
KEY IS VENDOR CODE, TRANS CODE, VOUCHER NO, TRAVEL ADVANCE NUM
01-
     VENDOR CODE: HISTPHIL      TRANS CODE: P2    VOUCHER NO: MT262860004
            NAME: HISTORIC PHILADELPHIA INC       TRAVEL ADVANCE NUM:
         ADDRESS: 510 WALNUT ST                   NO CHECK DISB FLAG: N
                :                                    PROMPT PAY TYPE: A
                :                                      LAST BATCH ID:
                : PHILADELPHIA        PA 19106
     DESCRIPTION:                FA IND:    INV IND:     VOUCHER TYPE: 1
      CHECK TYPE:    D.O. : PFC   PAYMENT CAT: V   OFFSET ELIGIBILITY: Y
    AGREEMENT # :                          DISB RUN NUMBER: 00000
    SCHD FISC YR:       SCHD CAT: A  SCHD TYP: M  SCHD NO:
    VOUCHER DATE: 03 15 1996                 VOUCHER AMT:          11,690.00
       SCHD DATE: 04 13 1996                HOLDBACK AMT:               0.00
     CLOSED DATE: 04 15 1996                  CLOSED AMT:          11,690.00
      PPAY SCHED DATE: 04 13 1996         OUTSTANDING AMT:               0.00
    AGENCY HEAD APRVL:                     IN TRANSIT AMT:               0.00
    COMMENTS TO PRINT: REFUND OF DONATION FOR INDEPENDENCE PARK
     INTR AGCY SYMBOL:                 DIRECT DISB NUMBER:
01-AP66W PAID BY EFT
```

```
ACTION: 1  SCREEN: PVHT OSERID: EJS1
                    *** VOUCHER HEADER INQUIRY TABLE ***
KEY IS VENDOR CODE, TRANS CODE, VOUCHER NO, TRAVEL ADVANCE NUM
01-
     VENDOR CODE: HISTPHIL      TRANS CODE: P2    VOUCHER NO: MT262860001
            NAME: HISTORIC PHILADELPHIA INC       TRAVEL ADVANCE NUM:
         ADDRESS: 510 WALNUT ST                   NO CHECK DISB FLAG: N
                :                                    PROMPT PAY TYPE:
                :                                      LAST BATCH ID:
                : PHILADELPHIA        PA 19106
     DESCRIPTION:                FA IND:    INV IND:     VOUCHER TYPE: 1
      CHECK TYPE:    D.O. : PFC   PAYMENT CAT: V   OFFSET ELIGIBILITY: Y
    AGREEMENT # :                          DISB RUN NUMBER: 00000
    SCHD FISC YR:       SCHD CAT: A  SCHD TYP: M  SCHD NO:
    VOUCHER DATE: 01 31 1996                 VOUCHER AMT:           5,010.00
       SCHD DATE: 01 31 1996                HOLDBACK AMT:               0.00
     CLOSED DATE: 02 02 1996                  CLOSED AMT:           5,010.00
      PPAY SCHED DATE:                    OUTSTANDING AMT:               0.00
    AGENCY HEAD APRVL:                     IN TRANSIT AMT:               0.00
    COMMENTS TO PRINT: REFUND OF DONATION/INDEPENDENCE PARK
     INTR AGCY SYMBOL:                 DIRECT DISB NUMBER:
01-AP66W PAID BY EFT
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Please let me know if any further information is required.

Thanks,

Eric Stone, CFM
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On Fri, Oct 4, 2013 at 7:54 PM, Bruce Sheaffer <bruce_sheaffer@nps.gov> wrote:
If she is willing call her back

Sent from my iPad

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Sent from my iPad

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> National Park Service
> Office: 703.487.9087
> Cell: 703.201.1842
> eric_stone@nps.gov
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>
> Sent from my iPad

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Jennifer Greatorex
Accounting Operations Center Manager
National Park Service
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Herndon, VA 20171

703.487.9133 Phone
703.217.3247 Cell Phone
703.487.9196 Fax
email: jennifer_greatorex@nps.gov

---------- Forwarded message ----------
From: **Greatorex, Jennifer** <jennifer_greatorex@nps.gov>

Date: Fri, Oct 4, 2013 at 4:34 PM
Subject: Fwd: Donation Research
To:
Cc: Eric Stone <eric_stone@nps.gov>, Timothy Bailey <timothy_bailey@nps.gov>

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Well whata-ya-know! The other two donations in the Business Services account were for New Mexico (where Carlsbad is) and Philly (where INDE is). Here are those two:

<image.png>

<image.png>

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If you have any additional questions or concerns, feel free to contact me at any time.

Respectfully,

Timothy Bailey
Supervisory Financial Operations Specialist
Payment and Travel Management Team

NPS, Accounting Operations Center
Attention: Payment and Travel Management Team
13461 Sunrise Valley Drive
Herndon, VA 20171

Email: timothy_bailey@nps.gov
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Direct Phone Line: (703) 487-9129
Fax: (703) 487-9196
Web: http://www.aoc.nps.gov

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<image.png>

Thanks,

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eric_stone@nps.gov

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On Fri, Oct 4, 2013 at 12:20 PM, Greatorex, Jennifer
<jennifer_greatorex@nps.gov> wrote:
Tim,

The three parks are Grand Canyon, Mount Rushmore, and Carlsbad. Any donations received in 1995/1996 possibily from the State of Arizona or Texas or any other sizable donations.

Thanks
Jennifer Greatorex
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National Park Service
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--
C. Bruce Sheaffer
Comptroller
National Park Service
202-208-4566
bruce_sheaffer@nps.gov

From: Patricia Neubacher <patty_neubacher@nps.gov>
Sent: Friday, October 04, 2013 10:01 PM
To: Bruce_Sheaffer@nps.gov; Jon_Jarvis@nps.gov; peggy_o'dell@nps.gov
Subject: Fw: Hey!

I asked Cynthia Ip to search her files on the GRCA and this is what she found. Hope it helps. And hope cynthia doesn't get busted for accessing her computer! I asked herr to look. :-)

From: Cynthia Ip [mailto:(b) (6) [redacted]
Sent: Friday, October 04, 2013 06:53 PM
To: Neubacher, Patricia <patty_neubacher@nps.gov>; (b) (6) [redacted]>
Subject: Re: Hey!

Patty,

Here's what I found relating to opening Grand Canyon. Hope it helps...

From: John J. Reynolds at NP-NPS 1/2/96 2:37PM
Subject: Update on Directions

As we go along I find that some things have not been communicated well, and other new things need to be communicated.

Here are a few:

1. Donations for opening a park are still being accepted. The rules of the game are as previously set forth EXCEPT that the Secretary has made the decision that PARTS of parks may be opened. This has been the case in every situation so far, including Grand Canyon, Carlsbad Caverns, and Independence. The agency with which agreements must be reached is still the state. We have made one exception: Independence. This was done because the City of Philadelphia actually owns the Liberty Bell and Independence Hall, and the agreement is with the City.

Other areas about which there is activity to reach agreement include the Trunk Bay portion of Virgin Islands NP, all of Christiansted NHS and Everglades, Dry Tortugas, and Hawaiian National Parks.

The Secretary, Roger and I want to expressly assure you that there is no hierarchy or favoritism within the administration on opening parks or parts of parks. We address every park for which there is an opening proposal equally.

1. The following question has been raised: "If we are brought back to work but not paid, do the parks reopen?" It is being discussed by the policymakers. Stay tuned.

If you know of confusion anywhere (other than in here, of course!!!) let Mary Bradford or me know--we will try to help.

John

On Fri, Oct 4, 2013 at 4:47 PM, Neubacher, Patricia <patty_neubacher@nps.gov> wrote:
Cynthia: big hub bub in WASO trying to find some old documentation on the GRCA and the last time we closed down in 1995/1996. I can't remember if GRCA was still in our region then? I've looked through all of my documentation, and I can't find anything about the shutdown and whether or not we let the state of Arizona pay to keep the GRCA open. Do you remember? Do you think you have any files on that? If you might, do you know where I might look?

Really weird working here with no one here!

--
Patty Neubacher
Deputy Regional Director
Pacific West Region
(415) 623-2105 work
(510) 604-9998 cell

From: Stone, Eric <eric_stone@nps.gov>
Sent: Friday, October 04, 2013 10:16 PM
To: Bruce Sheaffer
Subject: Re: Donation Research

Gee thanks boss. Tim Bailey was the one who figured out which FFS table to look at, and he's younger than me. Just needed Sue to translate ;-)

Eric Stone, CFM
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eric_stone@nps.gov

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On Fri, Oct 4, 2013 at 10:11 PM, Bruce Sheaffer <bruce_sheaffer@nps.gov> wrote:
It's ok my boy you did great just need the elders on occasion

Sent from my iPad

On Oct 4, 2013, at 10:06 PM, "Stone, Eric" <eric_stone@nps.gov> wrote:

> Hate to admit it, but I called Sue Z haha. The screenshots were P2/MT documents, which were miscellaneous non-referencing payments. The vendors cited were the states that provided the donations.
>
> Thanks,
>
> Eric Stone, CFM
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> On Fri, Oct 4, 2013 at 9:59 PM, Bruce Sheaffer <bruce_sheaffer@nps.gov> wrote:
> Ps. Can you tell me how you confirmed the repayment to the states
>
> Sent from my iPad

On Oct 4, 2013, at 9:37 PM, "Stone, Eric" <eric_stone@nps.gov> wrote:

Bruce,

We were able to determine that all of these donations were refunded to the states. The payment details for all three are shown in the screenshots below (Independence was two separate payments).

<image.png>
<image.png>
<image.png>
<image.png>

Please let me know if any further information is required.

Thanks,

Eric Stone, CFM
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Office: 703.487.9087
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On Fri, Oct 4, 2013 at 7:54 PM, Bruce Sheaffer <bruce_sheaffer@nps.gov> wrote:
If she is willing call her back

Sent from my iPad

On Oct 4, 2013, at 7:19 PM, "Stone, Eric" <eric_stone@nps.gov> wrote:

> I can't say it's not possible that it was returned. Technically if we had, it should have been processed as an expenditure refund, which would have reduced the expenditure amounts I sent down to $0, but who knows how they processed things back then...
>
> Since this is urgent, I recommend we recall Tracy Chop Chang to pull a full extract from the FFS mainframe. Please let me and Jennifer know if this is what you'd like and we can view the full expenditure details.
>
> Thanks,
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C. Bruce Sheaffer
Comptroller
National Park Service
202-208-4566
bruce_sheaffer@nps.gov

From: Bruce Sheaffer (b) (6) [redacted]
Sent: Saturday, October 05, 2013 6:39 PM
To: jon_jarvis@nps.gov
Cc: peggy_O'dell@nps.gov; Bruce_Sheaffer@nps.gov
Subject: the end of your quest

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```
ACTION: A  SCREEN: PVHT USERID: EJ51
                    *** VOUCHER HEADER INQUIRY TABLE ***
KEY IS VENDOR CODE, TRANS CODE, VOUCHER NO, TRAVEL ADVANCE NUM
01-
     VENDOR CODE: STANEWMEX  6  TRANS CODE: P2    VOUCHER NO: MT717060FSO
            NAME: STATE OF NEW MEXICO             TRAVEL ADVANCE NUM:
         ADDRESS: DEPT ENERGY AND MINERALS        NO CHECK DISB FLAG: N
                :                                    PROMPT PAY TYPE:
                :                                      LAST BATCH ID:
                : SANTA FE            NM 87505
     DESCRIPTION:                FA IND:    INV IND:     VOUCHER TYPE: 1
      CHECK TYPE:    D.O.: PFC   PAYMENT CAT: V   OFFSET ELIGIBILITY: Y
    AGREEMENT # :                          DISB RUN NUMBER: 00000
    SCHD FISC YR:        SCHD CAT: A  SCHD TYP: M  SCHD NO:
    VOUCHER DATE: 02 22 1996                  VOUCHER AMT:        65,625.00
       SCHD DATE: 02 22 1996                 HOLDBACK AMT:             0.00
     CLOSED DATE: 02 26 1996                   CLOSED AMT:        65,625.00
      PPAY SCHED DATE:                     OUTSTANDING AMT:            0.00
    AGENCY HEAD APRVL:                      IN TRANSIT AMT:           0.00
    COMMENTS TO PRINT: REPAYMENT OF DONATED FUNDS STATE OF NM
     INTR AGCY SYMBOL:                    DIRECT DISB NUMBER:
```

```
ACTION: A  SCREEN: PVHT USERID: EJ51
                    *** VOUCHER HEADER INQUIRY TABLE ***
KEY IS VENDOR CODE, TRANS CODE, VOUCHER NO, TRAVEL ADVANCE NUM
01-
     VENDOR CODE: STATARIZ   5  TRANS CODE: P2    VOUCHER NO: MT021000FSO
            NAME: STATE OF ARIZONA                TRAVEL ADVANCE NUM:
         ADDRESS: .                               NO CHECK DISB FLAG: N
                :                                    PROMPT PAY TYPE:
                :                                      LAST BATCH ID:
                : PHOENIX             AZ 85007
     DESCRIPTION:                FA IND:    INV IND:     VOUCHER TYPE: 1
      CHECK TYPE:    D.O.: PFC   PAYMENT CAT: V   OFFSET ELIGIBILITY: Y
    AGREEMENT # :                          DISB RUN NUMBER: 00000
    SCHD FISC YR:        SCHD CAT: 5  SCHD TYP: M  SCHD NO:
    VOUCHER DATE: 02 22 1996                  VOUCHER AMT:       370,125.00
       SCHD DATE: 02 22 1996                 HOLDBACK AMT:             0.00
     CLOSED DATE: 02 23 1996                   CLOSED AMT:       370,125.00
      PPAY SCHED DATE:                     OUTSTANDING AMT:            0.00
    AGENCY HEAD APRVL:                      IN TRANSIT AMT:           0.00
    COMMENTS TO PRINT: REPAYMENT OF DONATED FUNDS STATE ARIZONA
     INTR AGCY SYMBOL:                    DIRECT DISB NUMBER:
01-AP66N PAID BY EFT
```

```
ACTION: N  SCREEN: PVHT USERID: EJS1
                    *** VOUCHER HEADER INQUIRY TABLE ***
KEY IS VENDOR CODE, TRANS CODE, VOUCHER NO, TRAVEL ADVANCE NUM
01-
     VENDOR CODE: HISTPHIL      TRANS CODE: P2    VOUCHER NO: MT262860004
            NAME: HISTORIC PHILADELPHIA INC       TRAVEL ADVANCE NUM:
         ADDRESS: 510 WALNUT ST                   NO CHECK DISB FLAG: N
                :                                    PROMPT PAY TYPE: A
                :                                      LAST BATCH ID:
                : PHILADELPHIA        PA 19106
     DESCRIPTION:                FA IND:    INV IND:     VOUCHER TYPE: I
      CHECK TYPE:    D.O.: PFC   PAYMENT CAT: V   OFFSET ELIGIBILITY: Y
    AGREEMENT # :                          DISB RUN NUMBER: 00000
    SCHD FISC YR:       SCHD CAT: A  SCHD TYP: M  SCHD NO:
    VOUCHER DATE: 03 15 1996                 VOUCHER AMT:        11,690.00
       SCHD DATE: 04 13 1996                HOLDBACK AMT:             0.00
     CLOSED DATE: 04 15 1996                  CLOSED AMT:        11,690.00
      PPAY SCHED DATE: 04 13 1996         OUTSTANDING AMT:             0.00
    AGENCY HEAD APRVL:                     IN TRANSIT AMT:             0.00
    COMMENTS TO PRINT: REFUND OF DONATION FOR INDEPENDENCE PARK
     INTR AGCY SYMBOL:                   DIRECT DISB NUMBER:
01-AP66W PAID BY EFT
```

```
ACTION: N  SCREEN: PVHT USERID: EJS1
                    *** VOUCHER HEADER INQUIRY TABLE ***
KEY IS VENDOR CODE, TRANS CODE, VOUCHER NO, TRAVEL ADVANCE NUM
01-
     VENDOR CODE: HISTPHIL      TRANS CODE: P2    VOUCHER NO: MT262860001
            NAME: HISTORIC PHILADEPHIA INC        TRAVEL ADVANCE NUM:
         ADDRESS: 510 WALNUT ST                   NO CHECK DISB FLAG: N
                :                                    PROMPT PAY TYPE:
                :                                      LAST BATCH ID:
                : PHILADELPHIA        PA 19106
     DESCRIPTION:                FA IND:    INV IND:     VOUCHER TYPE: I
      CHECK TYPE:    D.O.: PFC   PAYMENT CAT: V   OFFSET ELIGIBILITY: Y
    AGREEMENT # :                          DISB RUN NUMBER: 00000
    SCHD FISC YR:       SCHD CAT: A  SCHD TYP: M  SCHD NO:
    VOUCHER DATE: 01 31 1996                 VOUCHER AMT:         5,010.00
       SCHD DATE: 01 31 1996                HOLDBACK AMT:             0.00
     CLOSED DATE: 02 02 1996                  CLOSED AMT:         5,010.00
      PPAY SCHED DATE:                    OUTSTANDING AMT:             0.00
    AGENCY HEAD APRVL:                     IN TRANSIT AMT:             0.00
    COMMENTS TO PRINT: REFUND OF DONATION/INDEPENDENCE PARK
     INTR AGCY SYMBOL:                   DIRECT DISB NUMBER:
01-AP66W PAID BY EFT
```

From: Margaret O'Dell <peggy_o'dell@nps.gov>
Sent: Saturday, October 05, 2013 8:58 PM
To: Bruce Sheaffer
Cc: jon_jarvis@nps.gov; Bruce_Sheaffer@nps.gov
Subject: Re: the end of your quest

Holy cow. What a great story to tell. Thanks for digging they to find the records.

Sent from my iPhone

On Oct 5, 2013, at 6:39 PM, Bruce Sheaffer (b) (6) [redacted] wrote:

>
> OK... here are the screen prints from february, march and april 1996 accounting records. finding this stuff was made difficult because the donation came through doi, not directly. to ups I think I had to do this because I had no one in finance at that time. So, you will see that there are 4 donations.. the first is for Carlsbad for $65,625, the second is for grand canyon for $370,125 and the 2 for independence for $11,690 and $5,010.. Note the comment lines say repayment or refund... we never obligated any of these funds, just returned them to the states, city... So there your go, we did agree to take a donation, but as I said, we never executed the donation because the shutdown ended. I hope you can print this for your administrative record and memoirs. It was no small task to dig this stuff out...
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>
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> <image.png>
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From: Jonathan Jarvis <jon_jarvis@nps.gov>
Sent: Sunday, October 06, 2013 9:45 AM
To: Bruce Sheaffer
Cc: peggy_O'dell@nps.gov; Bruce_Sheaffer@nps.gov; Maureen Foster
Subject: Re: the end of your quest

Thanks Bruce! you could have a second career in cold case files! We need to discuss our policies regarding donations and re-opening first thing Monday.

Sent from my iPad

On Oct 5, 2013, at 6:39 PM, Bruce Sheaffer [redacted] wrote:

>
> OK... here are the screen prints from february, march and april 1996 accounting records. finding this stuff was made difficult because the donation came through doi, not directly. to ups I think I had to do this because I had no one in finance at that time. So, you will see that there are 4 donations.. the first is for Carlsbad for $65,625, the second is for grand canyon for $370,125 and the 2 for independence for $11,690 and $5,010.. Note the comment lines say repayment or refund... we never obligated any of these funds, just returned them to the states, city... So there your go, we did agree to take a donation, but as I said, we never executed the donation because the shutdown ended. I hope you can print this for your administrative record and memoirs. It was no small task to dig this stuff out...
>
>
>
>>>
>>> <image.png>
>>> <image.png>
>>> <image.png>
>>> <image.png>
>>>
>

From: Bruce Sheaffer (b) (6) [redacted]
Sent: Tuesday, October 08, 2013 6:38 AM
To: Bruce_Sheaffer@nps.gov
Subject: Fwd: the end of your quest

Begin forwarded message:

From: Bruce Sheaffer (b) (6) [redacted]
Subject: the end of your quest
Date: October 5, 2013 6:39:26 PM EDT
To: jon_jarvis@nps.gov
Cc: peggy_O'dell@nps.gov, Bruce_Sheaffer@nps.gov

OK... here are the screen prints from february, march and april 1996 accounting records. finding this stuff was made difficult because the donation came through doi, not directly. to ups I think I had to do this because I had no one in finance at that time. So, you will see that there are 4 donations.. the first is for Carlsbad for $65,625, the second is for grand canyon for $370,125 and the 2 for independence for $11,690 and $5,010.. Note the comment lines say repayment or refund... we never obligated any of these funds, just returned them to the states, city... So there your go, we did agree to take a donation, but as I said, we never executed the donation because the shutdown ended. I hope you can print this for your administrative record and memoirs. It was no small task to dig this stuff out...

```
ACTION: 1  SCREEN: PVHT USERID: EJS1
                    *** VOUCHER HEADER INQUIRY TABLE ***
KEY IS VENDOR CODE, TRANS CODE, VOUCHER NO, TRAVEL ADVANCE NUM
01-
     VENDOR CODE: STATARIZ   5  TRANS CODE: P2    VOUCHER NO: MT82106DFSD
            NAME: STATE OF ARIZONA                TRAVEL ADVANCE NUM:
         ADDRESS: .                               NO CHECK DISB FLAG: N
                 :                                   PROMPT PAY TYPE:
                 :                                     LAST BATCH ID:
                 : PHOENIX              AZ 85007
     DESCRIPTION:                 FA IND:    INV IND:     VOUCHER TYPE: 1
      CHECK TYPE:    O.O.: PFC   PAYMENT CAT: V   OFFSET ELIGIBILITY: Y
    AGREEMENT # :                          DISB RUN NUMBER: 00000
    SCHD FISC YR:        SCHD CAT: S  SCHD TYP: M  SCHD NO:
    VOUCHER DATE: 02 22 1996                  VOUCHER AMT:        370,125.00
       SCHD DATE: 02 22 1996                 HOLDBACK AMT:              0.00
     CLOSED DATE: 02 23 1996                   CLOSED AMT:        370,125.00
      PPAY SCHED DATE:                    OUTSTANDING AMT:              0.00
    AGENCY HEAD APPVL:                     IN TRANSIT AMT:              0.00
    COMMENTS TO PRINT: REPAYMENT OF DONATED FUNDS STATE ARIZONA
     INTR AGCY SYMBOL:                  DIRECT DISB NUMBER:
01-AP66W PAID BY EFT
```

```
ACTION: 1  SCREEN: PVHT USERID: EJS1
                    *** VOUCHER HEADER INQUIRY TABLE ***
KEY IS VENDOR CODE, TRANS CODE, VOUCHER NO, TRAVEL ADVANCE NUM
01-
     VENDOR CODE: HISTPHIL      TRANS CODE: P2    VOUCHER NO: MT262860004
            NAME: HISTORIC PHILADELPHIA INC       TRAVEL ADVANCE NUM:
         ADDRESS: 510 WALNUT ST                   NO CHECK DISB FLAG: M
                 :                                   PROMPT PAY TYPE: A
                 :                                     LAST BATCH ID:
                 : PHILADELPHIA         PA 19106
     DESCRIPTION:                 FA IND:    INV IND:     VOUCHER TYPE: 1
      CHECK TYPE:    O.O.: PFC   PAYMENT CAT: V   OFFSET ELIGIBILITY: Y
    AGREEMENT # :                          DISB RUN NUMBER: 00000
    SCHD FISC YR:        SCHD CAT: A  SCHD TYP: M  SCHD NO:
    VOUCHER DATE: 03 15 1996                  VOUCHER AMT:         11,690.00
       SCHD DATE: 04 13 1996                 HOLDBACK AMT:              0.00
     CLOSED DATE: 04 15 1996                   CLOSED AMT:         11,690.00
      PPAY SCHED DATE: 04 13 1996         OUTSTANDING AMT:              0.00
    AGENCY HEAD APPVL:                     IN TRANSIT AMT:              0.00
    COMMENTS TO PRINT: REFUND OF DONATION FOR INDEPENDENCE PARK
     INTR AGCY SYMBOL:                  DIRECT DISB NUMBER:
01-AP66W PAID BY EFT
```

```
ACTION: 1  SCREEN: PVHT USERID: EJS1
                    *** VOUCHER HEADER INQUIRY TABLE ***
KEY IS VENDOR CODE, TRANS CODE, VOUCHER NO, TRAVEL ADVANCE NUM
01-
     VENDOR CODE: HISTPHIL      TRANS CODE: P2    VOUCHER NO: MT262860001
            NAME: HISTORIC PHILADEPHIA INC        TRAVEL ADVANCE NUM:
         ADDRESS: 510 WALNUT ST                   NO CHECK DISB FLAG: N
                 :                                   PROMPT PAY TYPE:
                 :                                     LAST BATCH ID:
                 : PHILADELPHIA         PA 19106
     DESCRIPTION:                 FA IND:    INV IND:     VOUCHER TYPE: 1
      CHECK TYPE:    O.O.: PFC   PAYMENT CAT: V   OFFSET ELIGIBILITY: Y
    AGREEMENT # :                          DISB RUN NUMBER: 00000
    SCHD FISC YR:        SCHD CAT: A  SCHD TYP: M  SCHD NO:
    VOUCHER DATE: 01 31 1996                  VOUCHER AMT:          5,010.00
       SCHD DATE: 01 31 1996                 HOLDBACK AMT:              0.00
     CLOSED DATE: 02 02 1996                   CLOSED AMT:          5,010.00
      PPAY SCHED DATE:                    OUTSTANDING AMT:              0.00
    AGENCY HEAD APPVL:                     IN TRANSIT AMT:              0.00
    COMMENTS TO PRINT: REFUND OF DONATION/INDEPENDENCE PARK
     INTR AGCY SYMBOL:                  DIRECT DISB NUMBER:
01-AP66W PAID BY EFT
```

From: Roth, Barry <barry.roth@sol.doi.gov>
Sent: Thursday, October 10, 2013 10:16 AM
To: Sheaffer, C. B.
Subject: Fwd: GRCA-AZ # 4 The actual 17 page agreement Fwd: Scan from INPGRCASCIEMS
Attachments: img-X04130811-0001.pdf

Barry N. Roth
Associate Solicitor
Division of Parks & Wildlife
202-208-4344
Fax: 202-208-3877
Barry.Roth@sol.doi.gov

This email is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee of or agent responsible for delivery of this email to the intended recipient, you are hereby notified that its dissemination, distribution, copying or use of this email is strictly prohibited. If you received this email in error, please notify the sender immediately and destroy all copies.

---------- Forwarded message ----------
From: **Boling, Edward** <ted.boling@sol.doi.gov>
Date: Thu, Oct 10, 2013 at 10:01 AM
Subject: Fwd: GRCA-AZ # 4 The actual 17 page agreement Fwd: Scan from INPGRCASCIEMS
To: Jack Haugrud <jack.haugrud@sol.doi.gov>, Edward Keable <Edward.Keable@sol.doi.gov>, Mark Teskey <mark.teskey@sol.doi.gov>
Cc: Barry Roth <BARRY.ROTH@sol.doi.gov>, Robert Eaton <robert.eaton@sol.doi.gov>

Here's the Grand Canyon donation agreement. Donation terms vis-a-vis subsequent appropriations is at page 9.

Ted Boling
Deputy Solicitor -- Parks & Wildlife
U.S Department of the Interior
1849 C Street NW
Washington, DC 20240
202-208-4423 (main)
202-208-3125 (direct)
202-208-5584 (fax)
Ted.Boling@sol.doi.gov

---------- Forwarded message ----------
From: **Boling, Edward** <ted.boling@sol.doi.gov>
Date: Thu, Oct 10, 2013 at 9:14 AM
Subject: Fwd: GRCA-AZ # 4 The actual 17 page agreement Fwd: Scan from INPGRCASCIEMS
To: Barry Roth <BARRY.ROTH@sol.doi.gov>, Robert Eaton <robert.eaton@sol.doi.gov>

Here's the 1995 donation agreement for Grand Canyon.

Ted Boling
Deputy Solicitor -- Parks & Wildlife
U.S Department of the Interior
1849 C Street NW
Washington, DC 20240
202-208-4423 (main)
202-208-3125 (direct)
202-208-5584 (fax)
Ted.Boling@sol.doi.gov

---------- Forwarded message ----------
From: **Jonathan Jarvis** <jon_jarvis@nps.gov>
Date: Fri, Oct 4, 2013 at 3:03 PM
Subject: Fwd: GRCA-AZ # 4 The actual 17 page agreement Fwd: Scan from INPGRCASCIEMS
To: Ted Boling <Ted.Boling@sol.doi.gov>

Sent from my iPhone

Begin forwarded message:

> **From:** David Uberuaga <dave_uberuaga@nps.gov>
> **To:** Jon Jarvis <Jon_Jarvis@nps.gov>
> **Subject: GRCA-AZ # 4 The actual 17 page agreement Fwd: Scan from INPGRCASCIEMS**
>
> Sent from my iPad
>
> Begin forwarded message:
>
> *From:* INPGRCASCIEMS <INPGRCASCIEMS@nps.gov>
> *To:* "dave_uberuaga@nps.gov" <dave_uberuaga@nps.gov>, "
> diane_chalfant@nps.gov" <diane_chalfant@nps.gov>, "
> kirbylynn_shedlowski@nps.gov" <kirbylynn_shedlowski@nps.gov>
> *Subject:* *Scan from INPGRCASCIEMS*
>
> Please open the attached document. It was scanned and sent to you using
> INPGRCASCIEMS.

Number of Images: 17
Attachment File Type: PDF

Device Name: INPGRCASCIEMS
Device Location: INP\IMR GRCA SCI South Rim EMS

For more information on Xerox products and solutions, please visit
http://www.xerox.com/

DONATION AGREEMENT

Between

The

NATIONAL PARK SERVICE

and the

STATE OF ARIZONA

This Donation Agreement (herein "Agreement") is made and entered into between the State of Arizona, acting through its authorized departments and agencies (herein "State"), and the United States of America, acting through the National Park Service of the U.S. Department of the Interior (herein "Service").

WHEREAS, the Grand Canyon National Park (herein "Park") is an international treasure that attracts visitors to Arizona from all over the world and whose spending plays a major role in the economic vitality of the region; and

WHEREAS, the Park is managed and administered by the National Park Service as a unit of the National Park System and is a World Heritage Site; and

WHEREAS, the Service closed the Park in November of 1995 due to the failure of Congress to enact a bill appropriating funds for National Park Service purposes (hereafter, "budgetary shutdown"); and

WHEREAS, the State benefits from keeping the park open, rather than having the park closed again during another period of a budgetary shutdown; and

WHEREAS, the State and the Service wish to enter into a short-term agreement, to address this unique budgetary situation, under which the Service would operate the park, not with appropriated funds, but with funds donated by the State; and

WHEREAS, the State Parks Board is authorized to enter into agreements with the federal government for the joint or cooperative protection of areas of natural features, scenic beauty, historical and scientific interest which are located on federal lands within the State if such areas are being administered in a manner which benefits the State pursuant to such an agreement; and

WHEREAS, the Grand Canyon National Park is an area of natural

features, scenic beauty, historical and scientific interest and a national treasure that attracts visitors to Arizona from all over the world; and

WHEREAS, in the event of a full and complete budgetary shutdown, this Agreement is intended to provide the means of continuing public visitation to a designated portion of the Park during the budgetary shutdown period through the donation of funds by the State to the Service; and

WHEREAS, without appropriated funds to operate the Park, the Service is precluded by the Anti-Deficiency Act, 31 U.S.C. § 1341, from undertaking any activities or entering into any arrangements that would have the effect of obligating directly or indirectly federal funds, regardless of amount, that have not yet been made available to the Service through the Interior Department Appropriations Act, except for emergency activities; and

WHEREAS, any operation of the Park, with either appropriated or donated funds, must satisfy the statutory responsibility for insuring visitor safety as well as preserving and protecting Park resources for future generations, consistent with federal law and regulations, 16 U.S.C. §1 et seq., and this responsibility for preserving and protecting park resources is best undertaken by the Service's professional employees, trained in the preservation of

park resources and visitor protection; and

WHEREAS, the Park is a destination park, where many visitors have made long term advance reservations or special arrangements for visiting, and may never again have the opportunity to view this scenic wonder; and

WHEREAS, the Park is uniquely configured, unlike other areas of the National Park System, to facilitate at least a partial use of the South Rim of the Park, even though the visitor experience will be compromised and the resources of the park not fully interpreted; and

WHEREAS, it is the intention of the State and the Service that under the terms of this Agreement the State will make a donation of the funds deemed necessary by the Service to open a designated portion of the Park to visitor use, and the Service will accept and expend the donation in accordance with the terms of this Agreement; and

WHEREAS, there is a public benefit inuring to the State in the operation of the Park and that providing funds to the federal government for the Park's operations is for a public purpose and for valuable consideration that is equitable and reasonable;

NOW THEREFORE, in consideration of the mutual promises of the State and the Service as set forth in this Agreement, the parties do hereby agree as follows:

Article I. <u>Authority</u>

A. The Service is statutorily authorized to accept donations that further the purposes and goals of the National Park System, 16 U.S.C. §6, including the acceptance of a donation of funds from the State for the Service to continue operation of the Park during a budgetary shutdown due to lack of appropriated funds.

B. The State has by opinion of the Attorney General of Arizona represented to the Service that it has the legal authority to donate public funds to the Service for the continued operation of the Park, and to indemnify the Service during the budgetary shutdown period.

C. The State acting through:

1. The Arizona State Parks Board, A.R.S. §§ 41-511.03,41-511.04 and 41-511.05, has adopted appropriate resolutions, which are appended hereto as Exhibit A, and has taken necessary actions to implement these legal authorities in order to provide funding to the Service, and

2. The Department of Administration, A.R.S. § 14-621(A)(3), has made appropriate determinations, which are appended hereto as Exhibit B, to implement these authorities to assure that the United States will be indemnified against any and all claims, judgments, awards and costs, as set forth in this Agreement.

Article II. Statement of Obligations

A. THE NATIONAL PARK SERVICE AGREES IN THE EVENT OF A FULL AND COMPLETE BUDGETARY SHUTDOWN:

1. To accept donations from the State, by electronic transfer, and to deposit the donations in the appropriate donation account in the United States Treasury for use pursuant to this Agreement. The Service will provide necessary account numbers and instructions to effect the electronic transfer.

2. To keep open to public use only the designated portion of the Park identified in this Agreement, and to manage the identified portion in accordance with the Service's legal authorities, policies and guidelines. The Park area to remain open is the Canyon Village Area and access thereto, as designated on a map appended hereto as Exhibit C to this

Agreement (hereinafter "Canyon Village Area").

3. To keep open to the public during the budgetary shutdown period all restaurants and overnight accommodations located in the Canyon Village Area of the Park; provided however, all other concession facilities and operations will be closed.

4. To keep entrance stations open for public information purposes, but to refrain from collecting entrance fees during the shutdown period.

5. To retain full responsibility for the administration of the Park as well as the funds provided by the State pursuant to this Agreement.

B. **THE STATE OF ARIZONA AGREES IN THE EVENT OF A FULL AND COMPLETE BUDGETARY SHUTDOWN:**

1. To provide donations to the Service in the amounts set forth in this Agreement, which the parties agree must provide full funding, other than for emergency personnel, to support all direct and indirect costs incurred or which may be incurred by the Service as a result of keeping open to visitor use those designated portions of Park during a budgetary

shutdown period. The parties agree that the donation amount set forth this is Agreement shall be Seventeen Thousand Six Hundred Twenty Five Dollars ($17,625.00) per day or any portion thereof.

2. To provide the Service at least twenty-four (24) hours in advance the funds necessary to cover the costs agreed to by the parties to keep open the designated portion of the Park.

3. To indemnify, save and hold harmless, and to provide complete cooperation with, as well as provide such assistance as may be required by the United States, with respect to any and all claims, lawsuits, damages, losses, judgments, workmen's compensation claims, and expenses, including attorney fees and litigation costs, arising out of, or from, or associated in any manner with any omission or activity as a result of the Service keeping open the Park under this Agreement. Provided, however, the State is not liable for any purchases or contracts entered into by the Service prior to the implementation of this Agreement.

Article III. GENERAL TERMS OF AGREEMENT.

A. All areas of the Park other than the Canyon Village Area shall be closed, and the Service will use its best efforts to keep the

visiting public from using all closed areas of the Park, including using the trails within the Park and floating the Colorado River within the Park.

B. Donations to the Service are conditioned upon receipt by the State of confirmation of the existence of a budgetary shutdown, which confirmation will be provided by the Service in writing. Notwithstanding any other provisions of this Agreement to the contrary, none of the obligations of the parties under this Agreement will be effective until the Service provides this notice of budgetary shutdown.

C. The Service will refund to the State only those advanced funds electronically transferred to the Service for a particular day(s) for which appropriated funds have subsequently been made available for that subsequent day(s) by either an annual appropriations for the Service or a bill or joint resolution that continues operations for a temporary period pending the enactment of an annual appropriations act for the Service (i.e., the budgetary shutdown has ended). No refund will be made for donations obligated in whole or in part by the Service.

Article V. KEY OFFICIALS

A. THE KEY CONTACT FOR THE NATIONAL PARK SERVICE IS:

1. Superintendent Robert Arnberger.
2. Deputy Park Superintendent Gary Cummins
3. Chief Ranger or other key official designated by the Service as a closure incident commander.

B. THE KEY CONTACT FOR THE STATE OF ARIZONA IS:

1. Director of the Arizona State Parks Board or his designee.
2. Director of the Arizona Department of Administration or his designee.

Article VII. TERM AND TERMINATION

A. This Agreement is in effect only during the period of budgetary shutdown of the Service and then only on the date notice is filed with the Arizona Secretary of State by the Service under paragraph III.C. of this Agreement, and shall terminate no later than upon enactment into law of either an annual appropriations bill for the Service or a bill or joint resolution that continues the

availability of appropriated funds for the Service for a temporary period pending the enactment of an annual appropriation act for the Service.

B. Notwithstanding the provisions of paragraph A of this Article, this Agreement shall have a term of not more than 30 days from the date of last signature executing this Agreement, and may not be extended except by the written agreement of both parties.

C. If either party fails to observe any of the terms and conditions of this Agreement, the other party may terminate this Agreement for default without any legal process whatsoever by giving one (1) day written notice of termination, effective at the end of the day thereafter. Provided however, except for the first donation, which will be provided by the State to the Service at a time mutually agreed to by the parties, the Agreement will be automatically and immediately terminated if the State fails to make the donation provided for in Article II at least twenty-four (24) hours in advance.

D. The obligations of the State under this Agreement are conditioned upon the availability of funds appropriated and allocated for donation to the Service. If funds are not allocated and available for the continuance of this Agreement, the Agreement shall automatically terminate at the end of the period for which

funds are available. No continuing liability shall accrue to the State in the event of such a termination except for the liability specified in Article II.B.3. for the period that this Agreement was effective. The State shall not be obligated to make any future donations or be liable for any future payments or for any damages as result of termination under this paragraph except for liability specified in Article II.B.3.

E. The Service shall retain all data, books and other records (herein "records") relating to this Agreement for a period of 5 years after termination of the Agreement. All records shall be subject at all reasonable times to inspection and audit by the State for this 5 year period. Upon request the Service shall provide, subject to the privacy requirements of the Administrative Procedures Act, 5 U.S.C. § 551 et seq., the original of any or all such records.

F. The State may, upon written notification to the Service, immediately cancel this Agreement without further obligation or penalty, pursuant to A.R.S. §38-511 if any person significantly involved in initiating, negotiating, securing, drafting, or creating this Agreement on behalf of the State or its departments or agencies is an employee or agent of an employee or agent of any other party in any capacity or consultant to any other party to this Agreement. Such cancellation shall be effective when written

notice from the Governor of the State is received by the Service, unless the notice specifies a later time.

G. In case any one or more of the provisions of this Agreement shall for any reason be held invalid, illegal or unenforceable in any respect, this Agreement is deemed terminated by the State and the Service.

H. Notwithstanding any other provision of this Agreement to the contrary, the indemnification provisions of paragraph II.B.3. shall survive the term of this Agreement, and shall survive any termination of the Agreement, regardless of the method of termination.

Article VIII. GENERAL PROVISIONS

A. This Agreement may be executed in separate counterparts, each of which when so executed shall be deemed an original, and such counterparts together shall constitute one instrument.

B. The parties mutually covenant and agree not to sue each other challenging the legal authority of either the State or the Service to enter into this Agreement, provided nothing herein shall be construed to prevent either party from suing to enforce this Agreement or seeking any other available remedy for breach of this

Agreement.

C. No member of or delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this Agreement or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this Agreement if made with a corporation for its general benefit.

D. For purposes of this Agreement, a day begins at 12:01 a.m. Mountain Standard Time.

E. All terms and conditions with respect to this Agreement are expressly contained herein, and the parties agree that no representative or agent of any party has made any representation or promise with respect to this Agreement not expressly contained herein.

F. The parties agree that clerical and typographical errors contained herein may be corrected upon notice to the other party.

G. This Agreement shall not, nor be deemed nor construed to, confer upon any person or entity, other than the parties hereto, any right or interest, including without limiting the generality of the foregoing, any third party beneficiary status or any right to enforce any provision of this Agreement.

H. This Agreement together with the exhibits hereto, all of which are incorporated into the Agreement by reference, may not be amended or modified in any respect whatsoever, except by an instrument in writing signed by both parties.

Agreed between the parties this

_____ day of _____.

_____

Arizona State Parks Board
State of Arizona

National Park Service
Department of the Interior

RESOLUTION BY THE ARIZONA STATE PARKS BOARD

WHEREAS, the State Parks Board (hereinafter referred to as "STATE") is authorized to enter into agreements with the federal government for the joint or cooperative protection of areas of natural features, scenic beauty, historical and scientific interest which are located on federal lands within the State if such areas are being administered for the STATE pursuant to an Intergovernmental Agreement; and

WHEREAS, the Grand Canyon National Park is an area of natural features, scenic beauty, historical and scientific interest and a national treasure that attracts visitors to Arizona from all over the world; and

WHEREAS visitors to the Grand Canyon National Park spend approximately $250 million in Arizona each year, thereby sustaining communities in Northern Arizona and generating approximately $12.5 million annually in sales tax revenue for the state such that there is a public benefit inuring to the STATE in the operation of the Park and that providing funds to the federal government for the Park's operations is for a public purpose and for valuable consideration that is equitable and reasonable; and

WHEREAS, the Grand Canyon National Park is operated by the National Park Service within United States Department of the Interior (hereinafter referred to as "INTERIOR"); and

WHEREAS, the National Park Service is unable to maintain operation of the Grand Canyon National Park during periods of budgetary shutdown of the federal government due to the lack of either an annual appropriations bill for the period for the INTERIOR and the lack of a bill or joint resolution continuing the availability of appropriations for INTERIOR for a temporary period pending the enactment of such an annual appropriations bill; and

WHEREAS, INTERIOR, through the National Park Service, is authorized to accept monies that further the goals of the National Park System.

NOW, THEREFORE, be it resolved that the Arizona State Parks Board authorizes the Executive Director of Arizona State Parks or his designee to enter into a donation agreement between the National Park Service and the State of Arizona by and through the Arizona State Parks Board.

Be it further resolved by the Arizona State Parks Board that M. Jean Hassell is authorized to sign this resolution on behalf of the Arizona State Parks Board.

DATE 12/15/95

SIGNATURE M. Hassell

FIFE SYMINGTON
Governor

RUDY SERINO
Director

ARIZONA DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
1700 WEST WASHINGTON • ROOM 601
PHOENIX, ARIZONA 85007
(602) 542-1500

December 15, 1995

Mr. Edward B. Cohen
Deputy Solicitor
U. S. Department of the Interior
1849 C Street, N.W.
Room 6354
Washington, D.C. 20240

Dear Mr. Cohen:

I have been made aware of your December 14, 1995, letter to Lisa Hauser of the Governor's Office in which you request a communication from the Department of Administration (DOA) with respect to indemnification. This is to advise you that this office has conferred with the Governor's Office, consulted with the State's insurance broker and reviewed the Attorney General's December 13, 1995 opinion on this issue together with the facts of this situation.

It is our conclusion that the circumstances involved in funding the operation of the Grand Canyon National Park during a period of federal budgetary shutdown are sufficiently compelling to warrant the State's agreement to indemnify the federal government for personal injury and property claims. I believe this commitment has been expressed to you by Ms. Hauser. In addition, this indemnification is covered pursuant to A.R.S. 41-621. Because the federal government's operation of the Grand Canyon National Park benefits the State but the federal government is in a more advantageous position than the State to perform this function under these circumstances, DOA has determined that the federal government may be insured pursuant to A.R.S. 41-621(A)(3). As stated in the Attorney General's December 13th letter to the Governor, this is a determination that DOA is authorized to make and, pursuant to A.R.S. 41-701(B), DOA acts through its Director.

Sincerely,

Rudy Serino
Director

From: Lena McDowall <lena_mcdowall@nps.gov>
Sent: Friday, October 04, 2013 10:16 AM
To: Bruce Sheaffer
Subject: Fwd: Tusayan council and local businesses pledge $325,000 in hopes to reopen Grand Canyon National Park

Sent from my iPhone

Begin forwarded message:

From: Derrick Crandall <dcrandall@funoutdoors.com>
Date: October 4, 2013, 9:22:24 AM EDT
To: "Jon Jarvis (Jon_Jarvis@nps.gov)" <Jon_Jarvis@nps.gov>
Cc: "Peggy O'Dell (Peggy_O'Dell@nps.gov)" <Peggy_O'Dell@nps.gov>, "Lena McDowall (Lena_McDowall@nps.gov)" <Lena_McDowall@nps.gov>, "Sue Waldron (Sue_Waldron@nps.gov)" <Sue_Waldron@nps.gov>
Subject: FW: Tusayan council and local businesses pledge $325,000 in hopes to reopen Grand Canyon National Park

Offers like these need to be addressed nationally. Can we talk ASAP?

Derrick

Tusayan council and local businesses pledge $325,000 in hopes to reopen Grand Canyon National Park

AZ News | *October 3 2013*

By Clara Beard

TUSAYAN, Ariz. – The town of Tusayan, which sits just outside the gates of Grand Canyon National Park, generated more than $290,000 in sales tax in October of last year. But the money won't be coming in this year, thanks to the federal government shutdown.

"Everyday, it impacts us," Tusayan mayor Greg Bryan said about the shutdown. 'This national park has no interest or willingness to allow us to provide them funding."

A few days ago, Tusayan's Red Feather Properties pledged $25,000 to help keep the park open, and encouraged other businesses to follow suite. As of yesterday, local businesses generated around $125,000 to help reopen the park. Coupled with the town's commitment, that sum totals $325,000.

But, even with those financial promises, park officials say they aren't accepting third-party donations.

At Tusayan's council meeting last night, Grand Canyon National Park Superintendent Dave Uberuaga said that the park wasn't allowed to accept any third-party donations to re-open the park. Currently, the council is trying to find out who made that call.

"If it is a policy, we need to ask, when did it take place? When was it put into place? It was obviously not in place in 1995 when the funds were provided," Bryan said.

During the 1995 federal shutdown, then Governor Fife Symington gathered state resources and private donations to keep the park partially open for 21 days.

"Some have reflected back on the 1995 event, and say 'well, we did it then, why can't we do it now,'" Uberuaga told council members. "Bottom line, any third-party funding of the national park opening will not occur. This is a fundamental core operation of the federal government provided for by government appropriations by the U.S. Congress."

The town has calls out to Flagstaff Mayor Jerry Nabours, Williams Mayor John Moore and Sedona Mayor Rob Adams to see if they can help Tusayan's cause.

The Grand Canyon Trust's Roger Clark has offered his support. Arizona Department of Transportation and Coconino County Supervisor Art Babbot said they will help however they can.

Speaker of the House Andy Tobin also gave Tusayan his full support. Bryan said that Tobin believes the state has up to half a million dollars to give in this sort of situation.

"Speaker Andy Tobin told us tonight that our governor is in favor, the governor wants to do something, she just keeps being told, 'no there's nothing, no there's nothing,' we just need to get this thing moving sooner than later," Bryan said.

Council member Bill Fitzgerald asked how the town would estimate how much it would cost per day to keep the park running.

Bryan said a rough estimate is $19,000 a day.

"We're not going to get an estimate from the superintendent because he's not going to want to provide any sense of support for the action, so we'll have to guess," Bryan said. "We figure $25,000 a day. Bare

in mind we're not talking just our monies; we're talking hopefully several hundred thousand from the state. I don't think we would enter into anything without that backing."

Council member John Rueter said the town must pursue a partial opening to the fullest.

"I think Tusayan needs to lead, in this case, the effort to get the park open," Rueter said. "We have a contingency plan in our budget for economic disasters, and this is very quickly becoming an economic disaster."

While legislators continue to squabble in Washington, Bryan said the town will work to find a way to reopen the park.

"It's our intent to push it," Bryan said.

Derrick A. Crandall, Counselor
National Park Hospitality Association
1200 G Street, N.W. Suite 650
Washington, D.C. 20005
202-682-9530, F 202-682-9529
www.parkpartners.org

From: Campbell, Colin <colin_campbell@nps.gov>
Sent: Friday, October 04, 2013 11:43 AM
To: Bruce Sheaffer
Subject: Fwd: State pressure to open GRCA continues all day.

fyi

---------- Forwarded message ----------
From: **David Uberuaga** <dave_uberuaga@nps.gov>
Date: Thu, Oct 3, 2013 at 5:46 PM
Subject: State pressure to open GRCA continues all day.
To: Colin Campbell <Colin_Campbell@nps.gov>, Diane Chalfant <Diane_Chalfant@nps.gov>

Colin,
Had several reporters asking why Grand Canyon wouldn't accept State Money. AZ state speaker of the house, Andy Tobin called to discuss state Legislation that would allow state funds to be transferred to Grand Canyon. He was upset when I explained that I appreciated the gesture but that I would not accept the state funds to re-open Grand Canyon. He asked if I had my marching orders from Washington DC and if we could work out something for the State of Arizona. I reiterated my position and that of the NPS Director that only federal appropriations would re-open the park. He didn't want to accept the position and would be talking to the Governor's office about other options. NO worries just a heads up for you.
The Town Council of Tusayan are making plans to Authorize town funds to be made available in case there are any new developments. I attended their emergency town council meeting and explained the park's position. "The park is closed and while I appreciate the gesture to help fund a re-opening, only federal appropriations will get the park reopened. third party funding will not be accepted to replace federal appropriations. "
FYI
No need to send back up troops.
Dave

Dave Uberuaga
Superintendent,
Grand Canyon National Park Dave_Uberuaga@nps.gov.
928-606-7802 Cell

Sent from my I phone

Begin forwarded message:

> **From:** Kirby-Lynn Shedlowski <kirbylynn_shedlowski@nps.gov>
> **Date:** October 3, 2013, 3:53:25 PM MST
> **To:** "dave_uberuaga@nps.gov" <dave_uberuaga@nps.gov>
> **Subject: Fwd: fyi**
>
> For when you call Howie Fisher.
>
> Sent from my iPhone

Kirby-Lynn Shedlowski
Public Affairs Specialist
Grand Canyon National Park
928-606-9905 mobile
929-638-7958 office

Begin forwarded message:

From: - Capitol Media Services <capmedia@hotmail.com>
Date: October 3, 2013, 3:36:37 PM MST
To: "kirbylynn_shedlowski@nps.gov" <kirbylynn_shedlowski@nps.gov>
Subject: fyi

here's what i wrote in 1995. (sometimes it's good to be on the same beat for a long time.)

feel free to share this with the superintendent.

thanks. looking forward to his call.

-- howie fischer
capitol media services
capmedia@hotmail.com

602-390-1850

State deal to keep Grand Canyon open
Howard Fischer, Capitol Media Services
Publication Date: December 19, 1995 Page: 1A Section: NEWS Edition: tue

PHOENIX - It will still be Grand Canyon National Park.
But beginning tomorrow, it will be sponsored by Phoenix developer John F. Long.
U.S. Department of Interior officials signed an agreement last night allowing the state to pay federal employees and keep part of the park open until a federal budget is signed.
State officials said they will sign the accord this morning.
The pact does not officially take effect until tomorrow morning, but visitors still will be able to see the Canyon today. The gates remain open, but there is no one to collect admission fees or provide information.
Under the deal, Arizona will put $17,000 into a federal account each day. It costs an estimated $17,000 a day for staff to provide public access to most of the park's popular areas. The state also will indemnify the federal government for any lawsuits filed against it by park visitors.
Although Mather Point, Grand Canyon Village, the hotels and the concessions are open, visitors will not be allowed to hike into the Canyon or float down the Colorado River.
Ellen Bonnin-Bilbrey, spokeswoman for the Arizona State Parks Department, said money for the first three days will come from Long, who last week agreed to contribute $52,875 to keep the park open.

If there still is no budget accord by Friday night, then the deposit for the weekend will come from the state Parks Department. Bonnin-Bilbrey said there is enough allocated for another 12 days of operation.
Gov. Fife Symington said if there still is no budget accord when those funds run out, he will find additional cash to keep the park operating until Congress approves a new budget or a continuing resolution to let closed agencies reopen while negotiations continue.
The deal actually could provide a windfall for the Department of Interior.
In the past, whenever a federal agency was shut down, the workers were paid for their time off after a new budget was approved. In this case, the workers will have been paid - with state dollars.
Lisa Hauser, the governor's counsel, said federal law does not allow the Interior Department to reimburse the state.
But she said state officials still believe the pact is a good deal because Arizona could lose more in tourist dollars from a closed Canyon than the $17,000 a day it costs to keep it open.
The 1.2 million-acre park - which attracts nearly 5 million visitors a year - was closed for four days last month, the first closure in the park's 76-year history.

--
Colin Campbell
Deputy Regional Director, Operations
P.O. Box 25287
12795 W. Alameda Pkwy
Denver, CO 80225-0287
303-969-2800
303-969-2785 Fax

From: David Uberuaga <dave_uberuaga@nps.gov>
Sent: Friday, October 04, 2013 12:25 PM
To: Bruce Sheaffer
Subject: Bruce-GRCA info 1 of 3 emails (11/17/1995 Solicitor Leshy letter to AZ Governor
Attachments: img-X04121721-0001.pdf

Sent from my iPad

Begin forwarded message:

> **From:** INPGRCASCIEMS <INPGRCASCIEMS@nps.gov>
> **Date:** October 4, 2013 9:17:21 AM PDT
> **To:** <dave_uberuaga@nps.gov>, <diane_chalfant@nps.gov>, <kirbylynn_shedlowski@nps.gov>
> **Subject: Scan from INPGRCASCIEMS**
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United States Department of the Interior

OFFICE OF THE SOLICITOR

November 17, 1995

Honorable Fife Symington
Governor
State of Arizona
Phoenix, Arizona 85007

Dear Governor Symington:

I am responding to your letter to Secretary Babbitt of yesterday offering an arrangement under which the State would help keep Grand Canyon National Park open until Congress passes acceptable bills that would provide federal funds for Park operations.

We too share your concern that Grand Canyon, along with many other federal facilities, is shut down by Congress's failure to provide appropriations. The Park could be opened immediately if the Congress passed the President's Continuing Resolution. We are, however, without legal authority to carry out the proposal contained in your letter.

First, your proposal encompasses making state personnel available to perform some Park functions. I should note that the Secretary has the statutory responsibility for insuring that the Parks are operating in a safe and sound manner, consistent with federal law and regulations, and to manage their resources in such a way as to preserve them for future generations. See 16 U.S.C. § 1 et seq. The National Park Service has highly professional personnel who are trained in carrying out these important responsibilities. The Secretary cannot delegate or allow those responsibilities to be carried out by personnel not trained or familiar with these obligations.

Second, because we have no lawfully appropriated funds to operate the Park, the Department of the Interior is precluded from entering into any arrangement with the State of Arizona that would have the effect of obligating funds, regardless of amount, that have not yet been made available. This principle is a fundamental part of federal law - the Antideficiency Act. 31 U.S.C. § 1341.

Applying this principle to your proposal, so long as the shutdown continues, the Park could not be reopened under any arrangement that would result in a cost to the National Park Service over and above the current emergency law enforcement presence. While your letter offers to pay at least some of the salaries of federal employees, operating the Park involves significantly more costs than this; e.g., significant infrastructure costs such as for power, water, sewer, and maintenance. It also carries with it substantial liability costs.

Your proposal to use entrance fees as a partial offset of costs, with the State retaining 50% of the fees, cannot be done. Under the provisions of the Land and Water Conservation Fund Act,

16 U.S.C. § 460l-6a, only 15% of the entrance fees may be retained by the Secretary to cover the costs of fee collection only. The remainder of the fees must be deposited into a special account in the Treasury for further appropriation by law.

The National Park Service does have special statutory authority to receive gifts that further the purposes and goals of the National Park System. It is conceivable that, if the State were willing to do so, and had the authority to do so under State law, we could explore the possibility of having the State donate to the National Park Service enough money to operate the Park during the shutdown.

In order not to run afoul of the Antideficiency Act, it would seem that the donation would have to include all the costs of Park operations, including salaries, benefits, infrastructure costs, utilities, and general and administrative costs. Moreover, it may also have to include a promise to save and hold harmless the United States from legal claims that arise. It would also have to be made in advance for a specified number of days. In effect, the State would have to provide a level of funding that the National Park Service would otherwise need through an appropriations enactment to operate the Park.

I do not want to minimize the practical and legal difficulties that might arise, were you to make a specific proposal along these lines. We are in uncharted territory here, and cannot proceed lightly. There are likely many legal issues I cannot now anticipate that will arise if we were to try to use this gift authority as a way for the State to fund operation of the Park during the period of shutdown.

If you are interested in making a specific proposal that meets the legal concerns I've expressed, we are available to meet with your lawyers in Washington to discuss it. I know you share our hope that the Congress will pass acceptable appropriation bills that would end the governmental shutdown.

Sincerely,

John D. Leshy
Solicitor

cc: Honorable Grant Woods

From: David Uberuaga <dave_uberuaga@nps.gov>
Sent: Friday, October 04, 2013 12:31 PM
To: Bruce Sheaffer
Subject: Bruce 2 of 3, GRCA letter to Bruce Sheaffer
Attachments: img-X04121752-0001.pdf

Sent from my iPad

Begin forwarded message:

> **From:** INPGRCASCIEMS <INPGRCASCIEMS@nps.gov>
> **Date:** October 4, 2013 9:17:52 AM PDT
> **To:** <dave_uberuaga@nps.gov>, <diane_chalfant@nps.gov>, <kirbylynn_shedlowski@nps.gov>
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December 27, 1995

Memorandum

To: Bruce Sheaffer

From: Deputy Superintendent, Grand Canyon National Park

Subject: Agreement With State of Arizona for Partial Opening

As of this date, our daily operating figure is around $11,500. This figure is subject to further analysis and modification for such things as overtime rates, cost of personnel benefits, etc. Due to a very limited administrative staff, final figures will not be available until Tuesday, January 2 at the earliest.

It seems we have three options readily available. Consideration of these options should keep in mind the Arizona political climate. Governor Fife Symington should be viewed as a political figure whose political agenda includes the limitation of federal authority in his state and who would relish the opportunity to find fault with the manner in which state funds were expended during the so-called limited opening of Grand Canyon National Park.

Option One: We stick to our $17,625 figure. When the total contribution from Arizona based on that daily estimate runs out, we cancel the limited opening and move to a hard closure, unless additional funds are forthcoming.

Pro: The $17,625 is what the state agreed to. The state was informed up front that the figure was our best estimate only, and took into consideration the need to plan for unanticipated emergencies, such as SARs, fires, major EMS, etc.

Con: It might be legal, but also seen as unfair. Any audit will clearly show a fairly significant difference between our estimated daily expenditure and the actual. This will provide the Governor with additional ammunition to use against us and the federal government in general, (i.e., --"they can't be trusted."). We would lose in the court of public opinion.

Option Two: We continue to use the $17,625 figure as an amount that includes our actual costs plus a contingency for unanticipated emergencies. Each day that such an emergency does **not** occur, we subtract our actual costs from the estimate, then move the surplus

forward to "buy" additional days on the agreement. An important note is that we should continue to use $17,625 as the cost of each day of the limited opening. We must have the extra funding available in the event of an emergency.

Pro: The state's primary goal for establishing the fund was to keep Grand Canyon open. By extending the number of days, we are in sync with the state's wishes. This approach also passes the common sense test -- its what everyone wants and it shows we are being open and cooperative in attempting to meet the state's goal. The use of an amount of the funding to meet unanticipated demands is also reasonable and defensible. Grand Canyon National Park can certainly point to a history of unanticipated emergencies -- even within the past year.

Con: It opens the agreement up to further negotiation. A danger is that our actual operating cost (now pegged at about $11,500) would become the figure used for extending the period of time for the limited opening, thus eliminating the important contingency fund. When and if the negotiations occur, we need to have a savvy operations person at the table.

Option 3: At the end of each week of the limited opening, we calculate our actual operating costs vs the estimated $17,625. We then remit to the state the difference. In some instances, unanticipated emergencies may have used some of the "surplus," which we would retain. At the end of the time that funds were allocated for (January 3), if no solution has been found for the budget impasse, we go to hard closure.

Pro: Easy to do from the park's end. The books are kept up to date and clear, and our relationship with the state remains good. It also passes the common-sense test and would appeal to the man in the street.

Con: From everything we hear from the state, this would not be preferable to keeping the park open on a longer period of time. Also, the return of the donated funds would be an exception to our donation policy. The procedure would be awkward and could lead to quibbling with the state on how much we require to operate the park, poor estimates, etc. Finally, it could place the state in an uncomfortable position of what to do with the monies returned. Would Arizona need to return the funds to donors, or keep it?

Recommendation: Option Two. We renegotiate the agreement, and try to stretch the available funds as far as we can to keep the park open, while continuing to use the $17,625 as the estimated daily cost, including contingency funds.

Gary Cummins

From: David Uberuaga <dave_uberuaga@nps.gov>
Sent: Friday, October 04, 2013 12:36 PM
To: Bruce Sheaffer
Subject: Bruce, 3 of 3 cover sheet on donation agreement
Attachments: img-X04121819-0001.pdf

I have the full agreement if you want a copy.
Dave

Sent from my iPad

Begin forwarded message:

> **From:** INPGRCASCIEMS <INPGRCASCIEMS@nps.gov>
> **Date:** October 4, 2013 9:18:19 AM PDT
> **To:** <dave_uberuaga@nps.gov>, <diane_chalfant@nps.gov>, <kirbylynn_shedlowski@nps.gov>
> **Subject: Scan from INPGRCASCIEMS**
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00050677 NPS-20240-000014 (0032) Page 1 of 1

United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

December 18, 1995

Via Facsimile: 602-542-7601

Ms. Lisa Hauser
Office of Governor Fife Symington
1700 West Washington
Phoenix, Arizona 85007

Dear Lisa:

Attached please find the Donation Agreement Between the National Park Service and the State of Arizona with respect to Grand Canyon National Park. It has been executed by National Park Service Director Roger Kennedy. Please obtain the appropriate signature from the Arizona State Parks Board and fax back the entire Agreement in executed and dated form. We will discuss tomorrow the exchange of originals.

As I discussed on the telephone, the Park is now in the process of implementing the so-called "hard shut down" scenario. As a result, if the Park is to remain open pursuant to the Agreement, the first day for which Arizona must contribute funds to partially underwrite the operation of the Park is Wednesday, December 20, 1995. Pursuant to Article VII.C, I propose that the payment for that day be wired no later than 12:00 p.m. Mountain Standard Time on Tuesday, December 19, 1995. In the event the shutdown continues to Thursday, December 21, 1995, the State's payment would be due no later than 12:01 a.m. on Wednesday December 20, 1995.

I appreciate the professionalism and thoughtfulness that you have demonstrated during the course of these discussions and look forward to the opportunity of meeting you face-to-face some day. Please telephone me should you have questions about the agreement.

Sincerely,

Edward B. Cohen
Deputy Solicitor

cc: Roger Kennedy
Rob Arnberger

From: David Uberuaga <dave_uberuaga@nps.gov>
Sent: Friday, October 04, 2013 1:29 PM
To: Bruce Sheaffer
Subject: Bruce , GRCA 12/95 Donation agreement between NPS & State Of AZ .Fwd: Scan from INPGRCASCIEMS
Attachments: img-X04130811-0001.pdf

Dave Uberuaga
Superintendent,
Grand Canyon National Park Dave_Uberuaga@nps.gov.
928-606-7802 Cell

Sent from my I phone

Begin forwarded message:

> **From:** INPGRCASCIEMS <INPGRCASCIEMS@nps.gov>
> **To:** "dave_uberuaga@nps.gov" <dave_uberuaga@nps.gov>, "diane_chalfant@nps.gov" <diane_chalfant@nps.gov>, "kirbylynn_shedlowski@nps.gov" <kirbylynn_shedlowski@nps.gov>
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DONATION AGREEMENT

Between

The

NATIONAL PARK SERVICE

and the

STATE OF ARIZONA

This Donation Agreement (herein "Agreement") is made and entered into between the State of Arizona, acting through its authorized departments and agencies (herein "State"), and the United States of America, acting through the National Park Service of the U.S. Department of the Interior (herein "Service").

WHEREAS, the Grand Canyon National Park (herein "Park") is an international treasure that attracts visitors to Arizona from all over the world and whose spending plays a major role in the economic vitality of the region; and

WHEREAS, the Park is managed and administered by the National Park Service as a unit of the National Park System and is a World Heritage Site; and

WHEREAS, the Service closed the Park in November of 1995 due to the failure of Congress to enact a bill appropriating funds for National Park Service purposes (hereafter, "budgetary shutdown"); and

WHEREAS, the State benefits from keeping the park open, rather than having the park closed again during another period of a budgetary shutdown; and

WHEREAS, the State and the Service wish to enter into a short-term agreement, to address this unique budgetary situation, under which the Service would operate the park, not with appropriated funds, but with funds donated by the State; and

WHEREAS, the State Parks Board is authorized to enter into agreements with the federal government for the joint or cooperative protection of areas of natural features, scenic beauty, historical and scientific interest which are located on federal lands within the State if such areas are being administered in a manner which benefits the State pursuant to such an agreement; and

WHEREAS, the Grand Canyon National Park is an area of natural

features, scenic beauty, historical and scientific interest and a national treasure that attracts visitors to Arizona from all over the world; and

WHEREAS, in the event of a full and complete budgetary shutdown, this Agreement is intended to provide the means of continuing public visitation to a designated portion of the Park during the budgetary shutdown period through the donation of funds by the State to the Service; and

WHEREAS, without appropriated funds to operate the Park, the Service is precluded by the Anti-Deficiency Act, 31 U.S.C. § 1341, from undertaking any activities or entering into any arrangements that would have the effect of obligating directly or indirectly federal funds, regardless of amount, that have not yet been made available to the Service through the Interior Department Appropriations Act, except for emergency activities; and

WHEREAS, any operation of the Park, with either appropriated or donated funds, must satisfy the statutory responsibility for insuring visitor safety as well as preserving and protecting Park resources for future generations, consistent with federal law and regulations, 16 U.S.C. §1 et seq., and this responsibility for preserving and protecting park resources is best undertaken by the Service's professional employees, trained in the preservation of

park resources and visitor protection; and

WHEREAS, the Park is a destination park, where many visitors have made long term advance reservations or special arrangements for visiting, and may never again have the opportunity to view this scenic wonder; and

WHEREAS, the Park is uniquely configured, unlike other areas of the National Park System, to facilitate at least a partial use of the South Rim of the Park, even though the visitor experience will be compromised and the resources of the park not fully interpreted; and

WHEREAS, it is the intention of the State and the Service that under the terms of this Agreement the State will make a donation of the funds deemed necessary by the Service to open a designated portion of the Park to visitor use, and the Service will accept and expend the donation in accordance with the terms of this Agreement; and

WHEREAS, there is a public benefit inuring to the State in the operation of the Park and that providing funds to the federal government for the Park's operations is for a public purpose and for valuable consideration that is equitable and reasonable;

NOW THEREFORE, in consideration of the mutual promises of the State and the Service as set forth in this Agreement, the parties do hereby agree as follows:

Article I. <u>Authority</u>

A. The Service is statutorily authorized to accept donations that further the purposes and goals of the National Park System, 16 U.S.C. §6, including the acceptance of a donation of funds from the State for the Service to continue operation of the Park during a budgetary shutdown due to lack of appropriated funds.

B. The State has by opinion of the Attorney General of Arizona represented to the Service that it has the legal authority to donate public funds to the Service for the continued operation of the Park, and to indemnify the Service during the budgetary shutdown period.

C. The State acting through:

1. The Arizona State Parks Board, A.R.S. §§ 41-511.03,41-511.04 and 41-511.05, has adopted appropriate resolutions, which are appended hereto as Exhibit A, and has taken necessary actions to implement these legal authorities in order to provide funding to the Service, and

2. The Department of Administration, A.R.S. § 14-621(A)(3), has made appropriate determinations, which are appended hereto as Exhibit B, to implement these authorities to assure that the United States will be indemnified against any and all claims, judgments, awards and costs, as set forth in this Agreement.

Article II. Statement of Obligations

A. THE NATIONAL PARK SERVICE AGREES IN THE EVENT OF A FULL AND COMPLETE BUDGETARY SHUTDOWN:

1. To accept donations from the State, by electronic transfer, and to deposit the donations in the appropriate donation account in the United States Treasury for use pursuant to this Agreement. The Service will provide necessary account numbers and instructions to effect the electronic transfer.

2. To keep open to public use only the designated portion of the Park identified in this Agreement, and to manage the identified portion in accordance with the Service's legal authorities, policies and guidelines. The Park area to remain open is the Canyon Village Area and access thereto, as designated on a map appended hereto as Exhibit C to this

Agreement (hereinafter "Canyon Village Area").

3. To keep open to the public during the budgetary shutdown period all restaurants and overnight accommodations located in the Canyon Village Area of the Park; provided however, all other concession facilities and operations will be closed.

4. To keep entrance stations open for public information purposes, but to refrain from collecting entrance fees during the shutdown period.

5. To retain full responsibility for the administration of the Park as well as the funds provided by the State pursuant to this Agreement.

B. **THE STATE OF ARIZONA AGREES IN THE EVENT OF A FULL AND COMPLETE BUDGETARY SHUTDOWN:**

1. To provide donations to the Service in the amounts set forth in this Agreement, which the parties agree must provide full funding, other than for emergency personnel, to support all direct and indirect costs incurred or which may be incurred by the Service as a result of keeping open to visitor use those designated portions of Park during a budgetary

shutdown period. The parties agree that the donation amount set forth this is Agreement shall be Seventeen Thousand Six Hundred Twenty Five Dollars ($17,625.00) per day or any portion thereof.

2. To provide the Service at least twenty-four (24) hours in advance the funds necessary to cover the costs agreed to by the parties to keep open the designated portion of the Park.

3. To indemnify, save and hold harmless, and to provide complete cooperation with, as well as provide such assistance as may be required by the United States, with respect to any and all claims, lawsuits, damages, losses, judgments, workmen's compensation claims, and expenses, including attorney fees and litigation costs, arising out of, or from, or associated in any manner with any omission or activity as a result of the Service keeping open the Park under this Agreement. Provided, however, the State is not liable for any purchases or contracts entered into by the Service prior to the implementation of this Agreement.

Article III. GENERAL TERMS OF AGREEMENT.

A. All areas of the Park other than the Canyon Village Area shall be closed, and the Service will use its best efforts to keep the

visiting public from using all closed areas of the Park, including using the trails within the Park and floating the Colorado River within the Park.

B. Donations to the Service are conditioned upon receipt by the State of confirmation of the existence of a budgetary shutdown, which confirmation will be provided by the Service in writing. Notwithstanding any other provisions of this Agreement to the contrary, none of the obligations of the parties under this Agreement will be effective until the Service provides this notice of budgetary shutdown.

C. The Service will refund to the State only those advanced funds electronically transferred to the Service for a particular day(s) for which appropriated funds have subsequently been made available for that subsequent day(s) by either an annual appropriations for the Service or a bill or joint resolution that continues operations for a temporary period pending the enactment of an annual appropriations act for the Service (i.e., the budgetary shutdown has ended). No refund will be made for donations obligated in whole or in part by the Service.

Article V. KEY OFFICIALS

A. THE KEY CONTACT FOR THE NATIONAL PARK SERVICE IS:

1. Superintendent Robert Arnberger.
2. Deputy Park Superintendent Gary Cummins
3. Chief Ranger or other key official designated by the Service as a closure incident commander.

B. THE KEY CONTACT FOR THE STATE OF ARIZONA IS:

1. Director of the Arizona State Parks Board or his designee.
2. Director of the Arizona Department of Administration or his designee.

Article VII. TERM AND TERMINATION

A. This Agreement is in effect only during the period of budgetary shutdown of the Service and then only on the date notice is filed with the Arizona Secretary of State by the Service under paragraph III.C. of this Agreement, and shall terminate no later than upon enactment into law of either an annual appropriations bill for the Service or a bill or joint resolution that continues the

availability of appropriated funds for the Service for a temporary period pending the enactment of an annual appropriation act for the Service.

B. Notwithstanding the provisions of paragraph A of this Article, this Agreement shall have a term of not more than 30 days from the date of last signature executing this Agreement, and may not be extended except by the written agreement of both parties.

C. If either party fails to observe any of the terms and conditions of this Agreement, the other party may terminate this Agreement for default without any legal process whatsoever by giving one (1) day written notice of termination, effective at the end of the day thereafter. Provided however, except for the first donation, which will be provided by the State to the Service at a time mutually agreed to by the parties, the Agreement will be automatically and immediately terminated if the State fails to make the donation provided for in Article II at least twenty-four (24) hours in advance.

D. The obligations of the State under this Agreement are conditioned upon the availability of funds appropriated and allocated for donation to the Service. If funds are not allocated and available for the continuance of this Agreement, the Agreement shall automatically terminate at the end of the period for which

funds are available. No continuing liability shall accrue to the State in the event of such a termination except for the liability specified in Article II.B.3. for the period that this Agreement was effective. The State shall not be obligated to make any future donations or be liable for any future payments or for any damages as result of termination under this paragraph except for liability specified in Article II.B.3.

E. The Service shall retain all data, books and other records (herein "records") relating to this Agreement for a period of 5 years after termination of the Agreement. All records shall be subject at all reasonable times to inspection and audit by the State for this 5 year period. Upon request the Service shall provide, subject to the privacy requirements of the Administrative Procedures Act, 5 U.S.C. § 551 et seq., the original of any or all such records.

F. The State may, upon written notification to the Service, immediately cancel this Agreement without further obligation or penalty, pursuant to A.R.S. §38-511 if any person significantly involved in initiating, negotiating, securing, drafting, or creating this Agreement on behalf of the State or its departments or agencies is an employee or agent of an employee or agent of any other party in any capacity or consultant to any other party to this Agreement. Such cancellation shall be effective when written

notice from the Governor of the State is received by the Service, unless the notice specifies a later time.

G. In case any one or more of the provisions of this Agreement shall for any reason be held invalid, illegal or unenforceable in any respect, this Agreement is deemed terminated by the State and the Service.

H. Notwithstanding any other provision of this Agreement to the contrary, the indemnification provisions of paragraph II.B.3. shall survive the term of this Agreement, and shall survive any termination of the Agreement, regardless of the method of termination.

Article VIII. GENERAL PROVISIONS

A. This Agreement may be executed in separate counterparts, each of which when so executed shall be deemed an original, and such counterparts together shall constitute one instrument.

B. The parties mutually covenant and agree not to sue each other challenging the legal authority of either the State or the Service to enter into this Agreement, provided nothing herein shall be construed to prevent either party from suing to enforce this Agreement or seeking any other available remedy for breach of this

Agreement.

C. No member of or delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this Agreement or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this Agreement if made with a corporation for its general benefit.

D. For purposes of this Agreement, a day begins at 12:01 a.m. Mountain Standard Time.

E. All terms and conditions with respect to this Agreement are expressly contained herein, and the parties agree that no representative or agent of any party has made any representation or promise with respect to this Agreement not expressly contained herein.

F. The parties agree that clerical and typographical errors contained herein may be corrected upon notice to the other party.

G. This Agreement shall not, nor be deemed nor construed to, confer upon any person or entity, other than the parties hereto, any right or interest, including without limiting the generality of the foregoing, any third party beneficiary status or any right to enforce any provision of this Agreement.

H. This Agreement together with the exhibits hereto, all of which are incorporated into the Agreement by reference, may not be amended or modified in any respect whatsoever, except by an instrument in writing signed by both parties.

Agreed between the parties this

_____ day of _____.

_____

Arizona State Parks Board
State of Arizona

National Park Service
Department of the Interior

RESOLUTION BY THE ARIZONA STATE PARKS BOARD

WHEREAS, the State Parks Board (hereinafter referred to as "STATE") is authorized to enter into agreements with the federal government for the joint or cooperative protection of areas of natural features, scenic beauty, historical and scientific interest which are located on federal lands within the State if such areas are being administered for the STATE pursuant to an Intergovernmental Agreement; and

WHEREAS, the Grand Canyon National Park is an area of natural features, scenic beauty, historical and scientific interest and a national treasure that attracts visitors to Arizona from all over the world; and

WHEREAS visitors to the Grand Canyon National Park spend approximately $250 million in Arizona each year, thereby sustaining communities in Northern Arizona and generating approximately $12.5 million annually in sales tax revenue for the state such that there is a public benefit inuring to the STATE in the operation of the Park and that providing funds to the federal government for the Park's operations is for a public purpose and for valuable consideration that is equitable and reasonable; and

WHEREAS, the Grand Canyon National Park is operated by the National Park Service within United States Department of the Interior (hereinafter referred to as "INTERIOR"); and

WHEREAS, the National Park Service is unable to maintain operation of the Grand Canyon National Park during periods of budgetary shutdown of the federal government due to the lack of either an annual appropriations bill for the period for the INTERIOR and the lack of a bill or joint resolution continuing the availability of appropriations for INTERIOR for a temporary period pending the enactment of such an annual appropriations bill; and

WHEREAS, INTERIOR, through the National Park Service, is authorized to accept monies that further the goals of the National Park System.

NOW, THEREFORE, be it resolved that the Arizona State Parks Board authorizes the Executive Director of Arizona State Parks or his designee to enter into a donation agreement between the National Park Service and the State of Arizona by and through the Arizona State Parks Board.

Be it further resolved by the Arizona State Parks Board that M. Jean Hassell is authorized to sign this resolution on behalf of the Arizona State Parks Board.

DATE 12/15/95

SIGNATURE M. Hassell

FIFE SYMINGTON
Governor

RUDY SERINO
Director

ARIZONA DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
1700 WEST WASHINGTON • ROOM 601
PHOENIX, ARIZONA 85007
(602) 542-1500

December 15, 1995

Mr. Edward B. Cohen
Deputy Solicitor
U. S. Department of the Interior
1849 C Street, N.W.
Room 6354
Washington, D.C. 20240

Dear Mr. Cohen:

I have been made aware of your December 14, 1995, letter to Lisa Hauser of the Governor's Office in which you request a communication from the Department of Administration (DOA) with respect to indemnification. This is to advise you that this office has conferred with the Governor's Office, consulted with the State's insurance broker and reviewed the Attorney General's December 13, 1995 opinion on this issue together with the facts of this situation.

It is our conclusion that the circumstances involved in funding the operation of the Grand Canyon National Park during a period of federal budgetary shutdown are sufficiently compelling to warrant the State's agreement to indemnify the federal government for personal injury and property claims. I believe this commitment has been expressed to you by Ms. Hauser. In addition, this indemnification is covered pursuant to A.R.S. 41-621. Because the federal government's operation of the Grand Canyon National Park benefits the State but the federal government is in a more advantageous position than the State to perform this function under these circumstances, DOA has determined that the federal government may be insured pursuant to A.R.S. 41-621(A)(3). As stated in the Attorney General's December 13th letter to the Governor, this is a determination that DOA is authorized to make and, pursuant to A.R.S. 41-701(B), DOA acts through its Director.

Sincerely,

Rudy Serino
Director

From: Campbell, Colin <colin_campbell@nps.gov>
Sent: Saturday, October 05, 2013 5:52 PM
To: Margaret O'Dell; Bruce Sheaffer; Maureen Foster; David Uberuaga
Subject: Fwd: FAQs from this week

FYI,

Colin

---------- Forwarded message ----------
From: **Martinez, Melinda** <melinda_martinez@nps.gov>
Date: Sat, Oct 5, 2013 at 10:28 AM
Subject: Re: FAQs from this week
To: "Fugate, Rena" <rena_fugate@nps.gov>
Cc: Colin Campbell <Colin_Campbell@nps.gov>, Billy Shott <billy_shott@nps.gov>

Good morning,

I find no indication we received a donation from the State of Arizona to maintain operations during the last shut down.

Here's is a summary of donation accounts at Grand Canyon for the years 1995 and 1996:

1	Grand Canyon 1995 Donation accounts		
2		Total Donations	Spent
3	N. Rim	390.00	
4	General	29,864.90	9,231.59
5	Museum Collection	1,649.00	
6	Reveg	12,200.00	7,749.92
7	DOW Chem	922.32	922.00
8	Interp	6,129.05	5,169.24
9	Wayside Exhibits	15,000.00	7,704.59
10	Phamton RCH	1,745.82	2,050.71
11	River	2,000.00	1,997.64
12			
13	1996		
14	General	25,256.44	358.45
15	Natural Resources	17,000.00	13,445.91
16	Natural Resource Rehab	321.00	454.28
17	Museum Collection	1,261.10	
18	CSU Air Quality	5,000.00	5,000.00
19	Generic	2,766.70	2,766.70
20	Interp	76,600.70	54,761.24
21	Wayside Exhibits	7,500.00	4,662.67
22	Phantom RCH	2,714.91	1,602.53
23	River	200.00	

Melinda L. Martinez (Dominguez), Regional Comptroller " National Park Service – Intermountain Region " 303.969.2589 Voice " 303.969.2794 Fax " 303.478.6078 cell
The National Park Service cares for special places saved by the American people so that all may experience our heritage.

On Sat, Oct 5, 2013 at 7:26 AM, Fugate, Rena <rena_fugate@nps.gov> wrote:
Thought we might want to send this info out if you agree.
The POC email list is current if you want to forward.

The IMR doc is one I prepared; the DOI FAQ is from the DOI shutdown site.

Have a good day; I will be on email and phone if you have admin questions. Melinda will be checking on the GRCA/AZ State donation this morning and let you know.

Rena Fugate
ARD Business & Technology
NPS, Intermountain Region
Office: 303 969 2544
Cell: 720 560 2515
Fax: 303 969 2337

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Colin Campbell
Deputy Regional Director, Operations
P.O. Box 25287
12795 W. Alameda Pkwy
Denver, CO 80225-0287
303-969-2800
303-969-2785 Fax