

# Federal Parks & Recreation

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## Central Park in New York receives \$100 million gift

It's enough to make most park managers weep. One benefactor last week said he alone would contribute \$100 million to one local park - Central Park in New York City.

Hedge-fund manager John Paulson presented the \$100 million to the Central Park Conservancy, which helps run the park in partnership with the City of New York. Half the money will be allocated to the conservancy's endowment to operate the park and half will be allocated to capital improvements.

In an announcement in Central Park October 23 Paulson said even with a gift of \$100 million the conservancy with its 374 employees (yes, 374 in one park) would have a difficult job making ends meet.

"I wish this gift could meet all the capital and operating needs of the Park but it cannot," said Paulson, who at 56 is worth a reported \$11 billion. He founded the Paulson & Company investment firm. "It's a big space and there is a lot to do. I hope many of you will join me in helping to fund the operating expenses of the park by becoming Central Park Conservancy members and for those that have the ability, to join me in helping fund capital improvements in the Park."

Conservancy President Doug Blonsky said the gift set a record. "This is the largest gift ever made to any public park, and one of the largest to be made to a New York City cultural institution," he said. "It ushers Central Park and the Conservancy into their latest phase: long-term sustainability, unprecedented

maintenance and management, and a model for other parks and public spaces worldwide."

Paradoxically, the 843-acre Central Park is already in excellent condition. "For the past 33 years, the Conservancy has restored and maintained what was a neglected public park for the enjoyment of more than 40 million annual visitors and vigilantly maintains those improvements every hour of every day," said Blonsky. "As a result, Central Park has never been more beautiful or better managed than it has for the last three decades." The park hosts 40 million visitors per year.

New York City Mayor Michael Bloomberg praised Paulson. "This is a fantastic gift, John," he said. "It's not a gift to the park but a gift to everybody. From a very selfish point of view I can just say you will every day in this park think, 'Hey, I was part of it and I made a difference.' And there will be a handful of people who will say, 'Thank you, John.' But most people aren't going to know and we'll all be gone. For the next decades, centuries, people will use this park. But most importantly you will know you made a difference."

Paulson is among the super rich. He reportedly owns a \$49 million ranch in Aspen, Colo., and a 20,000 square-foot townhouse adjacent to Central Park.

Even with his great private wealth Paulson said he and his family patronize the public park frequently. "I enjoy Central Park almost every day, particularly walking, cycling, and running through the Park," he said. "My children enjoy the carousel, the zoo, the row boats, and the playgrounds."

Paulson is not the only big contributor to New York city parks. Last year the Diller-von Furstenberg Family Foundation said it would donate \$20 million to the High-Line elevated park on the west side of Manhattan. This spring Joshua P. Rechnitz said he would contribute \$40 million to Brooklyn Bridge Park to build a field house with a cycling track.

Central Park is not the average city park. According to Blonsky it

includes 21 playgrounds, 130 acres of woods, numerous restrooms, five visitor centers and recreational facilities.

## **Lame duck may focus on sequester; lands bill maybe?**

As has been well documented, when Congress returns to work after the November 6 elections for a lame-duck session, its job one will be to head off a scheduled January 3 budget crisis. That's when a "sequester" is due to cut all federal spending by 8.2 percent.

But it is becoming increasingly possible that Congress will either (1) defer the sequester deadline, say for six months or so, or (2) let the sequester proceed and force the next Congress to deal with it in January and February.

Besides, Congress does not have much time to work because of Thanksgiving and Christmas vacations. House and Senate schedules show only 16 workdays on their calendars from November 13 through December 14.

The usual modus operandi of Congress when faced with big problems such as the sequester is to wait until the very last days of a session to act. If Congress follows that pattern, it may allow time in the lame duck to address a mountain of lands bills that have built up over two years. By one count the House has approved more than a hundred such bills and the Senate Energy Committee has also approved or held a hearing on a hundred measures.

When we asked the Senate Energy Committee on behalf of our sister newsletter *Public Lands News* recently if the panel would consider any energy legislation in the lame duck, a spokesman said probably not. But he volunteered that the panel had a ton of lands bills it may address.

Spokesman Bill Wicker said in effect the committee had too many other priorities to consider energy legislation. "Here in committee, our legislative platter overflows, and I do not picture us adding more to that stack

in the twilight of this Congress."

He then held out the possibility that some non-energy lands bill could sneak through in the lame duck. "If you like metrics, here are some: 333 bills have been referred to Senate Energy Committee this 112<sup>th</sup> Congress," he said.

"Of those, about 250 relate to public lands. Of that 250, we have had hearings on about 100," Wicker said. "Due to GOP opposition, only a small number of relatively minor bills (such as boundary adjustments, land exchanges, etc.) have cleared the U.S. Senate. Our priority, in the short time remaining, is to see if we can pass any more of the bills that already are on our plate."

Indeed, Allen Sachse, chairman of the Alliance of National Heritage Areas, told us his alliance has discussed with the energy committee the possibility of an omnibus bill that might include heritage area legislation, but no promises were made.

**OMNIBUS:** It is possible that the Senate Energy Committee will put together an omnibus bill under chairman Jeff Bingaman (D-N.M.) How far such a bill gets depends of course on the results of the election, the mood of the Senate Democratic leadership and the mood of the Republican minority.

If an omnibus does begin to move on the Senate side the spotlight would then shine on the House Natural Resources Committee and its chairman Doc Hastings (R-Wash.) He has often expressed hostility to omnibus lands bills in the past, but at the same time his committee in this Congress has moved more than 100 individual bills through the House. That means a lot of House Republicans also have a stake in supporting an omnibus.

Guessing which bills might make it into a final package is difficult, but the possibility of new parks (perhaps a Manhattan Project - HR 5987, S 3300 - acknowledging the atomic bomb) and new heritage areas is probable.

As a consideration to western Republicans the measure could include

such measures as a bill (HR 4089) also to require federal land managers to cooperate with Border Patrol agents who operate on federal lands near Mexico and Canada.

In addition Rep. Charlie Dent (R-Pa.) and 43 cosponsors introduced a national heritage areas bill (HR 4099) February 28 that would establish a system of NHAs and standards for the NHAs.

**APPROPRIATIONS:** Congress has already approved a six-month appropriations bill (PL 112-175 of September 28) in the form of a continuing resolution (CR). Federal agencies are still trying to figure out how to spend the money with little guidance from Congress.

If the sequester went into effect, however, most programs would be reduced by 8.2 percent from the CR levels.

The sequester was kicked off on Aug. 2, 2011, when Congress and the Obama administration struck a grand budget agreement (PL 112-25). It first established a Congressional budget super committee that was supposed to put together long-term recommendations by Nov. 23, 2011.

But the Congressional committee with six House members and six senators failed to agree. The committee was cochaired by Sen. Patty Murray (D-Wash.) and Rep. Jeb Hensarling (R-Texas).

Once the Congressional committee failed under PL 112-25 the law triggered Jan. 2, 2013, sequestrations. Those sequestrations call for a reduction of \$1.2 trillion in spending over nine years, beginning with \$100 billion in indiscriminate cuts in fiscal 2013.

The Obama administration has been offering mixed signals on the sequester. Some reports say the President would play hardball - reelected or not. That is, he reportedly would veto any deal that did not include a tax increase on the wealthy. But other reports say the President has said sequester "will not happen."

## NPCA: NPS numbers all point down, so time for change

Supporters of federal land management agencies correctly say, on an annual basis, that their agencies are facing a budget crossroads.

But National Parks Conservation Association (NPCA) President Tom Kiernan last week offered evidence in numbers that the National Park Service is indeed at a crossroads.

At a conference of NPS officials, national park concessioners and other park supporters at Grand Canyon National Park Kiernan said that all indicators are going the wrong way. Counting for inflation operations spending is down, construction spending is down, total visitation is down, and visitation as a percentage of the population is way down, he said.

But, said Kiernan at a *Grand Thoughts at the Grand Canyon* conference, the upcoming 2016 Centennial of the national parks offers an opportunity to reverse the downward spiral, or "Bend the Curve."

He summed up, "We are at a crossroads, but through unified action we can 'Bend the Curve.'"

In one action related to the conference and the Centennial NPCA leaders and National Park Hospitality Association (NPHA) leaders have met twice with the Bipartisan Policy Center, an influential consortium founded by former Republicans and Democrats of stature. The center, established by former Senate Majority Leaders Howard Baker (R-Tenn.), Tom Daschle (D-S.D.), Bob Dole (R-Kan.) and George Mitchell (D-Me.), attempts to forge compromises on major issues.

The NPCA and NPHA chiefs met with Dan Glickman, former Secretary of Agriculture and a former House member, to discuss an agenda for the National Park Service Centennial, said Derrick Crandall, senior counselor to NHPA.

The center "is interested in using the national parks to reach out to new

Americans to teach American values," said Crandall. "And (the center) is concerned about the huge problem the nation has with obesity. They think the national parks can set an example."

The unified action Kiernan called for is already underway via several major initiatives that feature partnerships between the Park Service and outside groups and partnerships among the outside groups. Such as the Bipartisan Policy Center.

Those initiatives begin with a Park Service plan for the Centennial titled *A Call to Action*. It was published on Aug. 25, 2011. In it the Park Service described a laundry list of low-cost actions to improve the national parks.

*A Call to Action* plays down the need for increased appropriations from Congress to upgrade the parks for the Centennial, but it does recommend the establishment of an endowment, with an emphasis on philanthropic contributions.

Working parallel with the Park Service is a summit of interest groups cochaired by the National Parks Foundation, NPHA and NPCA. The summit is cooperating with the Park Service to help spread the agency brand, perhaps through a public relation firm. And it is trying to enlist 300 partner groups in the campaign, among other things.

In a major action the three groups published the results of a national poll August 7 that demonstrates broad and deep support for the National Park System in the country. The poll was pointed very directly at Congress and Congressional support for the parks.

In an unusual move the sponsors asked the pollsters - one who usually works for Democrats and one who usually works for Republicans - to recommend strategies to politicians to respond to the poll. Hart Research Associates prepared a memo for Democratic candidates and D. Whit Ayres's North Star Opinion Research did the same for Republican candidates.

The Grand Thoughts conference

principals have identified a number of steps they want to take next on behalf of the parks. For one thing NPHA and others are compiling a list of 100 good ideas from the meeting.

For another they have begun notifying affected groups about beginning a discussion of specific actions, such as new entrance and user fee legislation affecting not only the national parks but also other federal land management agencies.

The existing fee law, the Federal Lands Recreation Enhancement Act of 2004 (PL 108-447 of Dec. 8, 2004), expires at the end of December 2014. And that law has not always been popular (*See related article page 6.*)

The summit has a website, [www.2016parksummit.org](http://www.2016parksummit.org). And the park partners have a website, <http://www.parkpartners.org>.

With that background Kiernan laid out his "Bend the Curve" proposal October 17 at the *Grand Thoughts at the Grand Canyon* conference. The session was hosted by the National Park Hospitality Association. In his talk Kiernan summed up the downward indicators affecting the national parks.

First, counting inflation overall Congressional appropriations have declined by \$465 million, from \$3.045 billion in fiscal 2001 to \$2.580 billion in fiscal 2011.

Second, construction spending in the national parks has decreased by \$214 million from \$368.5 million in fiscal 2002 to \$155.4 million in fiscal 2012.

At roughly the same time total recreation visitation to the national parks has decreased by about one million per year from 279.8 million in 2010 to 278.9 million in 2011.

But that doesn't tell the whole story because the nation's population has increased from 281.4 million in 2000 to 308.7 million while visitation was static. NPCA Budget and Legislative Director John Garder provided us with the precise numbers.

## Wyoming governor worries about Teton land sale failure

The State of Wyoming is becoming concerned the federal government will renege on an agreement to pay \$107 million for state-owned inholdings within Grand Teton National Park.

Gov. Matt Mead (R-Wyo.) fears that the federal budget squeeze will induce the administration to skip a \$16 million, phase-two allocation in fiscal year 2013. Congress has approved a six-month fiscal 2013 spending bill (PL 112-75 of September 28) but it does not specify acquisitions under the Land and Water Conservation Fund (LWCF).

Said a spokesman for Mead, "The second of four sales is scheduled to close January, 2013. Officials in the Department of Interior have stated publicly that they have about half of the amount of the funding necessary for the upcoming purchase."

Former Wyoming Gov. Dave Freudenthal (D) reached an agreement with the Obama administration in late 2010 that would send 1,366 acres of state school lands and 40 acres of state subsurface minerals within Grand Teton to the Park Service. Mead eventually signed the agreement for the state after he replaced Freudenthal.

In fiscal 2012 Congress appropriated \$5 million in phase one of the four-phase acquisition schedule. Phase two calls for an allocation of \$16 million. Phases three and four are the most important because they require the Interior Department to acquire two key one square-mile blocks for \$45 million in 2014 and \$46 million in 2015. The tracts sit on the valley floor and offer views of the Teton Range.

If the feds renege, the State of Wyoming may choose to sell the tracts on the open market, making them available for trophy homes or resorts. Or the Wyoming Board of Land Commissioners and the State Land Board may simply manage the lands.

"If the federal government reneges

Wyoming's Board of Land Commissioners has many options," said Mead spokesman Renny McKay. "Wyoming owns many acres of land and the State Land Board oversees the management of this land. Options range from retaining and leasing the land to selling it. All decisions are based on Wyoming's best interest and are negotiated within a statutory and constitutional framework."

As we reported in the last issue of *FPR*, the Park Service said it will complete this year specific set-aside projects funded with fiscal 2012 money and, if those old projects are proposed to receive fiscal 2013 money, spend CR money on them.

Said David Barna, chief spokesman for the Park Service, "For FY 2013 projects, the rule is that if they are new starts, that is projects that were not continued from FY 2012, they cannot be funded under the CR." He added, "Very few FY 2013 projects are continuations from FY 2012." The Grand Teton land buy is kind of a carry-over.

Freudenthal warned in a press conference in December 2010, "(The agreement) is not perfect and it is obviously like everything in the government, it is subject to the availability of funds."

Still, he said, "(T)o have an agreement in principal, an agreement on the price, an agreement on the time schedule, and an agreement on the manner and means by which it would be transacted, I think, is a good step."

Before the final agreement was reached Freudenthal had been talking about a deal that would combine a down payment to the state from the LWCF, followed by a share of revenues from coal-lease bonuses. That way the feds would retain the coal leases and the state would simply receive an agreed to share of the lease bonuses. But that has not happened.

Environmental groups such as the Greater Yellowstone Coalition are backing the sale of the inholdings and the transfer to the park.

"Transferring the state lands into federal ownership to protect Grand Teton has been long recognized as critical to the long-term preservation of the park," the coalition says at its website. "Astronomical land values in and around Jackson have greatly complicated the prognosis for this transfer."

## **New suit keeps pressure on FS to limit areawide fees**

Users of undeveloped recreation areas are trying to force the Forest Service to halt the practice of charging fees to enter broad tracts containing developed sites, even if visitors don't use the developed sites.

The recreationists argue in a new lawsuit that a federal appeals court in February held that such fees are illegal, but that the Forest Service hasn't totally done away with the fees.

Four plaintiffs filed suit in the U.S. District Court for Central California October 24 demanding that the Forest Service in four national forests in California implement the court order. The suit was filed against California Regional Forester Randy Moore.

"It should now be possible to go for a hike in your local forest without having to risk a ticket if you don't pay an access fee," said plaintiff Alasdair Coyne, conservation director of Keep Sespe Wild, a Los Padres watershed organization based in Ojai. "Eight months after the Arizona court ruling is quite enough time for the Forest Service to bring their other local fee programs into compliance. The Forest Service is not above the law."

Said the service in a statement after the February appeals court decision, "Visitors to national forests should continue to expect to pay the established recreation fees that are currently in place."

But the agency did acknowledge that it was greatly reducing the number of areas that charge fees. "The Forest Service began a review of all recreation fees two years ago, and in January

made preliminary proposals on their future status," said the statement. "Under these proposals, 26 national forest areas will still require visitor fees, down from the current 90 areas nationwide."

On February 16 the Ninth U.S. Circuit Court of Appeals entered the fray and held that the Forest Service practice of charging fees to enter high impact recreation areas was, at best, limited. The court said the law allows fees to developed areas within broad tracts but not the tracts themselves.

In biting language the three judges said, "In sum, the statutory language is clear. The Forest Service's interpretation is thus entitled to no deference."

The decision, *Adams v. U.S. Forest Service*, 671 F.3d 1138, 1144-45 (9th Cir. 2012), written by Judge Robert W. Gettleman, said, "As alleged by plaintiffs, the Forest Service's fee structure at the Mount Lemmon HIRA (in Arizona) does not comport with the REA's express prohibition on charging fees for parking and then hiking through the HIRA without using the facilities and services, camping in undeveloped areas, or picnicking on roads or trailsides. The district court thus erred in dismissing plaintiffs' claim."

In the October 24 lawsuit Coyne and Richard Fragosa, both of Ojai, Calif.; John Karevoll of Running Springs, Calif.; and Peter Wiechers of Kenville, Calif.; said that four national forests in California are moving too slowly in removing the fee requirement. The four are the Angeles, Cleveland, Los Padres and San Bernardino National Forests, all in the Los Angeles region.

Referencing the Federal Lands Recreation Enhancement Act of 2004 (PL 108-447 of Dec. 8, 2004), the lawsuit says, "Accordingly, the Forest Service may charge a fee to visitors of an 'area' that contains bathrooms, picnic tables and the other developed amenities listed in subsection (f)(4), except that under subsection (d) it may not charge people entering that area to simply

travel through it, or who park and hike, picnic or camp in undeveloped areas, unless those visitors actually use both facilities and services as described in 16 U.S.C. § 6802(d)(1)."

The suit acknowledges the Forest Service is committed to reducing the number of recreation areas with developed sites that charge entrance fees to all visitors from 31 to 12. But it says Forest Service maps continue to show areas where an "Adventure Pass" is required to enter broad tracts. The suit says the four Los Angeles area forests teamed up to require the pass. And that, they say, violates the Ninth Circuit's February decision.

The suit, *Richard Fragosa, et al. v. Randy Moore*, is available at <http://www.westernsloopenofee.org/pdfuploads/01-Adv. Pass RecFee Complaint 10-23-2012 Signed.pdf>.

The appeals court decision is available at [http://www.westernsloopenofee.org/pdfuploads/2012\\_02\\_09\\_Mt\\_Lemmon\\_Decision\\_Reversed\\_and\\_Remanded.pdf](http://www.westernsloopenofee.org/pdfuploads/2012_02_09_Mt_Lemmon_Decision_Reversed_and_Remanded.pdf).

## **Debaters show little interest in park and rec policy**

Through all the debates among the Presidential and Vice-Presidential candidates this fall parks and recreation came up empty. No mention from Obama, Romney, Widen or Ryan.

Although President Obama has a well-documented record in support of substantial federal spending for park and rec programs, the Republican Presidential campaign and the Republican platform are almost mute on the subject.

Republican Presidential candidate Mitt Romney came as close as anyone to mentioning the outdoors when he said that he would ramp up energy development on the public lands, presumably in the back-country, in part. When former President George W. Bush did that in the 2000s he was met with a flood of litigation from hunters and fishermen.

At an October 16 debate Romney

said, "I will fight to create more energy in this country, to get America energy secure. And part of that is bringing in a pipeline of oil from Canada, taking advantage of the oil and coal we have here, drilling offshore in Alaska, drilling offshore in Virginia where the people want it."

And in an October 3 Presidential debate he was even more specific, promising that his administration would double the rate of federal land energy permitting.

Obama of course is a known commodity on outdoor policy. The administration's fiscal 2013 budget provides a summary of the President's outdoor policy - substantial funding for conservation spending such as for the Land and Water Conservation Fund and state wildlife grants, substantial funding for federal land management agencies, and an overall emphasis on protecting natural resources versus use of those resources.

In addition Obama personally launched a signature natural resources initiative in February 2011 called America's Great Outdoors.

Romney and Republican Vice Presidential Candidate Rep. Paul (Ryan (R-Mich.) have been relatively silent about outdoor policy. About the only hint of a natural resources position came from Ryan in his role as chairman of the House Budget Committee. There he wrote a Congressional budget that would sharply reduce natural resources spending. His budget would slash the allocation by \$3.5 billion, reducing it from \$36.8 billion in fiscal 2012 to \$33.3 billion.

**Hill Outlook:** All polls indicate the House will remain solidly Republican; however, the polls indicate that the existing Senate Democratic majority may face a closer call.

Assuming the Democrats retain the Senate, they will need to find a replacement for Senate Energy Committee Chairman Jeff Bingaman (D-N.M.), who is retiring. Sen. Ron Wyden (D-Ore.) is the next ranking Democrat and he

currently chairs the subcommittee on Public Lands and Forests. Sen. Lisa Murkowski (R-Alaska) is the ranking minority member on the committee and would in all likelihood retain that position, if she didn't become chair.

The Senate Energy Committee subcommittee on National Parks is chaired by Sen. Mark Udall (D-Colo.) and the ranking minority members is Sen. Rand Paul (R-Ky.)

The chairman of the Senate Appropriations subcommittee on Interior and Related Agencies, Sen. Jack Reed (D-R.I.), will return but there is no guarantee that easterner Reed will want to retain the western-oriented chair. Murkowski is the ranking minority member.

House Natural Resources Committee Chairman Doc Hastings (R-Wash) is expected back as is ranking committee Democrat Edward Markey (Mass.) Rep. Rob Bishop (R-Utah) currently chairs the subcommittee on National Parks, Forests and Public Lands and Rep. Raul Grijalva (D-Ariz.) is the ranking minority member.

In the House Appropriations Committee Rep. Mike Simpson (R-Idaho) chairs the subcommittee on Interior and Related Agencies and Rep. James Moran (D-Va.) is ranking minority member.

**Platforms:** With one major exception, the platform approved by the Republican Party Convention this summer does not directly address mainline park and rec issues.

The exception is hunting, fishing and recreational shooting. The party says those activities "should be permitted on all appropriate lands." That, of course, is a position that the Democratic Party could also endorse.

In contrast to the Republicans the Democratic Party platform gives park and rec policy a prominent seat at the table. "Democrats will continue to work with local communities to conserve our publicly-owned lands and dramatically expand investments in conserving and restoring forests, grasslands, and

wetlands across America for generations to come," the platform says.

The national parks are also singled out. "We will ensure that our National Parks are protected while expanding opportunities for Americans to visit and experience these national treasures," the Democratic Party platform says.

Indirectly, the Republican platform would impact outdoor recreation by calling for "reconsideration" of the possible transfer of federal lands to private interests. "Experience has shown that, in caring for the land and water, private ownership has been our best guarantee of conscientious stewardship, while the worst instances of environmental degradation have occurred under government control," say the Republicans.

They added, "In this context, Congress should reconsider whether parts of the federal government's enormous landholdings and control of water in the West could be better used for ranching, mining, or forestry through private ownership."

### **PEER: Yellowstone decided on new cell tower pre-public**

The environmental group Public Employees for Environmental Responsibility (PEER) charged October 23 that Yellowstone National Park decided to authorize a major new cell tower in the park even before it asked for public comments on the tower.

PEER says Yellowstone indicated in a 2008 Wireless Services Communications Plan environmental assessment (EA) that it would approve Verizon Wireless's application for a right-of-way permit for construction of the 100-foot tower.

Indeed the park's own website says the project has effectively been approved, <http://parkplanning.nps.gov/projectHome.cfm?projectId=43426>. The park says, "The decision to allow WCF construction at the Lake and Fishing Bridge developed areas was made in the 2008 Wireless Communications Services

Plan Environmental Assessment and its associated Finding of No Significant Impact."

Charged PEER Executive Director Jeff Ruch, "The Park Service has no interest in what the public thinks since the new tower has already been set into motion." He added that the majority of public comments on the 2008 plan opposed the tower.

Substantively, said PEER, the environmental assessment was inadequate and the cell tower would violate federal law and Park Service policy.

Yellowstone posted notice October 15 that it was reviewing Verizon's application for a cell phone tower to serve the Lake and Fishing Bridge areas of the park. The notice said the ROW would consist of a "100 foot tall gray steel lattice tower and accompanying ground Facilities. . . at an existing utility site, next to existing telephone and electric lines."

Yellowstone is now asking for public comment on the Verizon project that was envisioned in the 2008 EA. That EA was prepared to replace a previous policy of approving cell phone ROWs individually. The EA offered an overall plan. The park says cell towers are already in operation at Old Faithful, Grant Village, Mount Washburn, Bunsen Peak, and Elk Plaza.

In its comments on the proposal PEER offers a number of arguments, beginning with an assertion that the park is fooling the public by asking for input on a decision that has already been made.

Said PEER, "In other words, NPS is inviting the public to comment on its decision to preclude further public notice and to dispense with further public comment on the tower itself. This procedural pretzel crafted by NPS is the antithesis of genuine public involvement and reflects poorly on the quality of its resource planning."

Besides, said PEER, how could the 2008 EA accurately depict the tower when an application was not filed until 2012?

"How did NPS manage to 'analyze' the visual aspects of a tower whose location and height had yet to be determined?" PEER said in its comments.

Besides the timing, PEER said the proposal violates the National Park Service Management Policies on Telecommunications Sites by not considering other options. "Through repeated (Freedom of Information Act) requests, PEER has examined the decision-making process for this project in detail," PEER said. "Nowhere in that record can we find any alternatives to a lattice tower even identified, let alone explored."

Finally, PEER said the proposal violates the National Historic Preservation Act because the park has not consulted the public on possible impacts to historic resources. However, the Wyoming State Historic Preservation Office endorsed the ROW, with one caveat: The state said Yellowstone should halt work on the project, "if any cultural materials are discovered during construction."

The comment period on the Verizon proposal ends November 16.

## Notes

**Sandy knocks out parks.** National parks from Florida to New England received significant damage from Hurricane Sandy. In the bull's eye for possible damage were Gateway National Recreation Area, the Statue of Liberty National Park and other units in and around New York Harbor. Although the Washington, D.C., area was soaked with record rainfall, monuments on the National Mall came through relatively unscathed. The story was different elsewhere. Even in Biscayne National Park near Miami, Elliott's Key received "significant" damage to its docks and boardwalks. As far West as Ohio NPS closed the Ohio & Erie Canal Towpath Trail from Lock 39 Trailhead in Valley View to Botzum Trailhead in Akron to evaluate storm damage. Here's an NPS summary:

\* *National Parks of New York Harbor:* There is extensive flooding in Battery Park. Conditions at Castle Clinton are

unknown as it is inaccessible. Con Edison is not sure when power will be restored. Subway and bus service is suspended. Most tunnels in/out of NYC are flooded.

\* *Statue of Liberty/Ellis Island:* All electrical and mechanicals on Ellis Island are underwater; a fuel tank has been dislodged. Liberty Island may have lost all high voltage equipment.

\* *Assateague Island:* Most of the island is still under water and will be until out of lunar cycle. Park will be closed on Wednesday. Walk-in campsites have been damaged, parking lots are covered with sand and Virginia parking lots sustained significant damage.

\* *Valley Forge National Historical Park/Hopewell Furnace:* Both parks are without power. Major roadways are open at VAFO. Trees are down and debris is scattered, but no significant damage yet found to historic structures.

\* *Morristown:* Closed, with hundreds of trees down.

\* *Governor's Island:* One dock/pier is gone and buildings are filled with two to three feet of water.

\* *Fire Island:* Roads are impassable and many dunes appear to be leveled. NPS boardwalks are washed out at several locations as is the Burma Road. Park headquarters appears to be okay and have power but is surrounded by water and areas with no power.

\* *Gateway:* Damage from widespread overwashing. Sandy Hook is closed and inaccessible. There is damage to employees' homes and property damage at Breezy Point.

\* *New River Gorge:* Significant snow accumulation (18-24") with more on the way. Widespread power outages.

**Statue of Liberty is back.** The Park Service reopened access to the crown of the Statue of Liberty National Monument October 28 after a year of repairs and upgrades. NPS has been renovating the monument ever since the Sept. 11, 2001, terrorist attacks. Now as many as 315 visitors per day will be able to climb the 354 steps to the monument's crown. Formerly, the capacity was 240 people. In addition upgrades to pedestal elevators and other improvements will make the decks of the monument available for wheelchair access. The renovations cost \$30

million, of which Congress provided \$25 million in appropriations. Secretary of Interior Ken Salazar participated in an opening ceremony. No sooner had the opening ceremony been held, however, than the monument was closed October 29 and 30 for Hurricane Sandy. The general contractor on the renovation was Joseph A. Natoli Construction Corp. and the lead architect was Mills + Schnoering Architects.

#### **San Antonio Missions promoted.**

The National Parks Conservation Association (NPCA) is holding a series of meetings to discuss the possible designation of San Antonio Franciscan Missions in Texas as a prestigious world site. Secretary of Interior Ken Salazar June 1 said the department has authorized the site for possible nomination for the United Nations Educational, Scientific and Cultural Organization World Heritage List. NPCA held an initial briefing October 30 at the San José Visitor Center in San Antonio. Additional meetings are scheduled in the same place for January 8 and March 7. This is a lengthy process: The Park Service will complete a "dossier" on the nomination by the end of 2013 and the 21-nation World Heritage Committee will consider the nomination in 2015. "San Antonio Missions National Historical Park preserves four missions that embody the cultural roots of this great city and represents the single largest concentration of Spanish Colonial resources in the United States," said Salazar. As always Salazar tied the announcement to President Obama's signature conservation initiative, America's Great Outdoors. And he repeated the administration's mantra that parks and recreation create jobs and help the economy. For more information contact [epelletier@npca.org](mailto:epelletier@npca.org).

#### **West governors move past rec.**

Each year a new chairman takes over the Western Governors' Association (WGA) and sets new priorities. Last year Washington Gov. Christine Gregoire (D) emphasized recreation and tourism in a Get Out West! campaign. She tied it to President Obama's America's Great Outdoors initiative. For the upcoming winter meeting of the association new chairman Gov. Cary Herbert (R-Utah) has

chosen to emphasize fire and energy. Noting the severe fire year of 2012 Herbert said in announcing the December 1-2 winter meeting, "My colleagues and I will discuss actions we can take to improve forest management and prepare for and respond to drought." Also on the agenda is energy. It should be noted that Herbert supported Gregoire's Get Out West! campaign.

## **Conference Calendar**

### NOVEMBER

7-9. **National Forest Recreation Association 64<sup>th</sup> Annual Conference and Trade Show** at the Silver Legacy Hotel in Reno, Nevada. Information will be posted on the NFRA website [nfra.org](http://nfra.org) or can be obtained by contact the NFRA Office at: 559-564-2365.

15-19. **American Association of State Highway and Transportation Officials** annual meeting in Pittsburgh. Contact: American Association of State Highway and Transportation Officials, 2012 AASHTO Annual Meeting, Department 5051, Washington, DC 20061-5051. <http://www.aashtoannualmeeting.org/>.

27-Dec. 1. **National League of Cities Annual Congress of Cities** in Boston, Mass. Contact: National League of Cities, Conference and Seminar Management, 1301 Pennsylvania Avenue, N.W., Washington, DC 20004. (202) 626-3105. <http://www.nlc.org>.

30-Dec. 2. **Western Governors' Association Winter Meeting**. Contact: Western Governors' Association, 1515 Cleveland Place, Suite 200, Denver, CO 80202-5114. (303) 623-9378. <http://www.westgov.org>.

30-Dec. 3. **Council of State Governments State Trends Forum** in Austin, Texas. Contact: Council of State Governments, P.O. Box 11910, Lexington, KY 40578. (859) 244-8103. <http://www.csg.org>.