This is the second edition of the Ranger Activities Information Exchange, a four-page bulletin which will be produced monthly by the Washington Ranger Activities Office and distributed to the chief ranger in each park, regional office ranger staffs, and other interested parties. Chief rangers are strongly encouraged to duplicate each issue and share it with their staffs. If you have any information for the Exchange, please contact Bill Halainen at 202-343-4189.

Health And Fitness Program Ruling

Late in October, the Federal Employees' News Digest carried a brief report on a recent decision by the Comptroller General concerning Federal agency sponsorship and economic support for physical fitness programs. The article, entitled "Agencies Can Pay For Physical Fitness, But Not Exercise", said that "pertinent laws and regulations do not allow agencies to grant excused absence for employees to participate in agency-sponsored physical fitness programs or to exercise."

The Comptroller's decision (B-218840), however, is not quite that absolute. The ruling, which was prompted by a Park Service official's request for clarification of the legality of a regional physical fitness program, states that the National Park Service:

- may pay for comprehensive physical fitness evaluations and laboratory blood tests as part of a fitness program;
- may not pay for employee use of a health club as part of such a program unless the employee must meet mandatory fitness standards;
- may not authorize excused absences for physical exercise unless the employee must meet mandatory fitness standards.

The exceptions to the last two points are of particular importance. Citing a prior ruling (63 Comp. Gen. 296, 1984), the Comptroller General says that he would approve the use of appropriated funds to pay the costs of physical exercise, whether for use of private health clubs or purchase of equipment, for those employees of the Park Service for which the Director has established special physical fitness standards, if a physical fitness program was mandatory for all employees in the designated positions." He also says that "under such a mandatory program, physical exercise would be a required part of the employee's job, and it would not be necessary to grant administrative leave to allow employees to participate in the activities."

The NPS is currently seeking clarification of this decision to determine its impact on voluntary health and fitness programs. We will keep you posted on developments.

Uniform Catalogues

This year's uniform catalogues will not be out until the latter part of December. They have been delayed because of the volume of new items added to the program this year and because of last minute changes to the inventory. As soon as R & R receives them from the printer, they will ship them directly to the parks.
EMS Directors Approve NPS-51

In April of 1984, the Service sent copies of NPS-51, the new EMS guideline, to each state health office, asking for approval of the Park Service's certification process in each of their jurisdictions. As of this writing, about 25 states have approved the guideline, and a resolution recently passed by the National Association of State Emergency Service Directors will undoubtedly speed the remainder to concur in their acceptance of the standards.

At their national conference this past October, that organization unanimously approved a resolution which commended the Park Service for the development and promulgation of NPS-51 and supported its nationwide implementation. They also offered the NPS their services in making contacts with state EMS offices and facilitating the information exchange between them to expedite this implementation process. At a separate meeting a month later, the National Council of Emergency Medical Services Training Coordinators also voted their unanimous support of this resolution. Together, these votes of support should have a positive effect in getting NPS-51 accepted throughout the country.

Footnote: Parks will soon be receiving an annual EMS report form which should facilitate the completion of the reporting requirements of NPS-51.

Emergency Law And Order Fund Requests

Chief rangers requesting law and order emergency funding are reminded that all the requesting, reporting and financial management requirements for such emergencies are fully explained in Chapter 24 of NPS-9. Applicants need to pay closer attention to:

- preparing clear and complete justifications;
- assuring that requests are properly routed and include necessary authorization and review at the park and regional levels;
- assuring that the required quarterly followup reports arrive in the regional office in a timely manner so that they can be reviewed, consolidated, and forwarded to the Washington office (they are due in WASO on January 20, April 20, July 20, and October 10);
- writing complete and accurate reports (10-346, 10-348, etc.), with particular attention to inclusion of necessary signatures and total costs.

Congress is looking very closely at law and order account funding, so it is critical that reports and requests be thorough, timely and accurate. Failure to do so may mean loss of control of such funds in the future.

Guideline Update

The draft of NPS-58, the new structural firefighting guideline, is nearing completion and should be out for field comment in January.

NPS-56, the search and rescue guideline, is still in the early stages of formulation. A preliminary version has been prepared and is currently being reviewed by a number of people in the NPS search and rescue community. It is not yet possible to determine precisely when a draft will be completed, but the authors hope to have it out early in the new year.

A workshop on the SCUBA guideline, NPS-4, will be held between December 17th and 19th, and a final draft will be prepared for distribution and comment in January. The draft will be sent to the regions, who will send it to the parks in their area which have an interest in SCUBA operations.
The NIIMS and aviation management guidelines, NPS-59 and NPS-60 respectively, are currently on hold. They are being worked on as time allows.

NPS-57, the health and fitness guideline, will be out in draft to the field early in January for at least 60 days of review.

**Successful Tort Claim Defense**

The U.S. District Court's Northern District of Indiana recently rendered a decision on a tort claim which should be of interest to rangers in park areas with water-based recreational activities.

An action had been filed in that court by the family of a man who drowned while swimming at Indiana Dunes National Lakeshore in the summer of 1982. The plaintiff argued that there was a breach of duty on the part of the park, but the court ruled that the victim's death did not result from "any willful or wanton act" of the Park Service and that the relevant Indiana state code (applicable under the Federal Tort Claims Act) barred recovery of damages because it protected landowners from liability for injuries sustained in recreational use of their land.

The findings of fact showed that the victim had read a park brochure and seen an orientation film, each of which contained safety messages about the hazards of swimming in the lake. He had also seen a sign at the unguarded beach area which advised visitors to use caution because there were no lifeguards present. Despite all these warnings, he entered rough lake waters during a time when undertow was present and subsequently drowned.

Indiana Code Section 14263 states that any person who goes on the lands of another "with or without permission" and "without the payment of monetary consideration... is not thereby entitled to any assurance that the premises are safe for such purpose." It also says that the "owner of such premises does not assume responsibility for nor incur liability for any injury to person or property caused by an act or failure to act of other persons using such premises." Despite the plaintiff's claim that the victim was "an invited guest" and thus qualified for an exception listed in the code, the court ruled that he was a "licensee" under other Indiana codes and that the plaintiff was thus barred from any recovery of damages.

The court then looked at other Indiana codes concerning contributory negligence on the victim's part and his awareness of the risks he incurred during the act which he undertook. Since the victim was partially negligent and could reasonably be expected to understand the risks of swimming in the lake, the court further found for the defense and against the plaintiff.

This case underscores how important it is that park managers and their protection staffs be familiar with the provisions of the applicable state recreational use statutes which describe the duties and responsibilities of a landowner toward recreational users. Although Indiana's codes provided almost complete protection to Indiana Dunes, yours may not. Now is the time to look them over again.

**National Rifle Association Suit**

In April of 1984, the National Rifle Association (NRA) filed a suit against the National Park Service which sought to increase the number of recreational areas open to hunting and trapping by challenging the need for specific Congressional authorization of these activities in each area. The NRA contended that, if a recreation area's enabling legislation is silent on the subject, then hunting and/or trapping are permissible at the discretion of the Secretary of the Interior.
Late last winter, both sides filed motions for summary judgement, each asking the judge to find in their favor based on the administrative record. The court, however, asked for oral arguments, which were heard in March. As of this writing, a decision by the judge is still pending.

Mid-Atlantic Region Ranger Activities Directory

In the interest of improving communications among rangers, the Exchange offers the following diagram of the organization and duties of staffers in the Mid-Atlantic Region's Division of Resource Protection and Visitor Management. Others will be presented in the future. All persons in this office may be contacted by calling FTS 597-7057 (commercial 215-597-7057) except John Karish, who is at 814-865-7974.

Bill Supernauh
Chief, RP & VM

Ginny Paci
Secretary
- Budget/personnel
- Training
- Administration
- Regulations
- Jurisdiction
- Toxic waste
- Fee programs
- Program direction
- Structural fire
- Mining/minerals

Skip Cole
Dive Officer

Resource Protection

John Karish, Chief Scientist
- Water program
- NRP accounts
- Tech assistance
- Special science initiatives
- Threatened/endangered species

Jeff Marion, Research Biologist
- Social science
- River carrying capacity

Mike Maule, Resource Manager - Operations
- Fire management
- Fire emergencies
- Fire training
- Prescribed fire
- Search/rescue
- Uniforms

Ed Hay, Resource Manager
- RM plans
- SRP's
- Fisheries
- Threats
- Document review

Visitor Management

Ben Lichtman, Safety Manager
- Hazard inspections
- Visitor use data
- Tech assistance
- Hearing impairment detection

Steve Alscher, LE Specialist
- Alarm systems
- Special events
- Vehicles
- Investigations
- Communications

Bill Supernauh
Chief, RP & VM

1. Secretary
2. Chief Scientist
3. Research Biologist
4. Resource Manager - Operations
5. Resource Manager
6. Safety Manager
7. LE Specialist