



RANGER ACTIVITIES
INFORMATION EXCHANGE



Volume 3, Number 4

April, 1987

Chief Ranger's Comments

Thanks to all of you for the cards and calls I received while on "tick leave". I seem to be doing better lately, except for being another two weeks further behind. My apologies to the chiefs in Alaska for missing their conference; I'll make it there next time. With the presentation to be made in May at the Southeast regional chiefs' conference, I will have had the opportunity to meet with all park chief rangers (except Alaska) this first year. Either I or someone else from the Ranger Activities staff will be available to come and address ranger-related issues at any future conferences.

Butch Farabee from Grand Canyon was selected from a very strong register of field rangers as the Service's new emergency services coordinator. Butch will be on duty in WASO the week following Memorial Day. My thanks to those who applied for the position.

The ten regional chief rangers met in WASO from March 30th to April 3rd. We tried to cover too much, but did address a great number of important issues and projects. This will be an annual conference from now on. The agenda included sessions with Assistant Secretary Horn, Director Mott, Deputy Director Galvin, Associate Directors Albright and Hester, and managers from a wide variety of program areas. Improved communications between the Washington office and regions was a critical concern for all of us.

I had the opportunity to visit with the ten ARD's for operations on the week of April 6th. The presentation was an abbreviated version of the topics discussed at each individual regional chiefs' conference and of the concerns that have been shared at those meetings. We were able to spend nearly four hours discussing 025 issues, Ranger Activities programs and related issues.

The work plan for Ranger Activities is attached to this issue. It is our intent to have a planned approach to at least part of our work year. We seem to be in the reactive mode most of the time, as are many of you, and will employ the work plans in our efforts to have some control over our agenda. All offices in operations have such plans. These work plans will be reflected in staff performance standards.

Field Incidents

Sandy Hook: On February 4th and again on the 5th, park employees discovered highly corroded 45" long submarine torpedos on the area's beach. Each contained about 90 pounds of high explosives. Military ordinance disposal units blew open the casings and removed the fragments from the park.

Yellowstone: A Cessna 180 went down in the park during an early February snow storm. A major search was launched as soon as weather conditions improved, and the plane and its deceased 78-year-old pilot were found near Big Game Ridge on Mt. Hancock.

Cape Cod: A severe blizzard (20" of snow, very high winds) closed the park and shut down most of outer Cape Cod from February 9th through much of the following week. Since Cape towns had very few four-wheel drive vehicles, park rangers provided virtually all emergency transportation for the first 48 hours, and were able to effect several life-saving rescues.

Lassen: A structural fire on March 10th caused \$20,000 in damage to a concessioner-owned building. The park fire brigade and local firefighters knocked down the blaze.

Everglades: Ranger Kevin Fitzgerald received information of an impending drug deal on park boundaries in mid-March. He advised Customs and joined them in interdicting two boats, confiscating 431 bales of marijuana and making five arrests.

White Sands: A group of about 85 college students were discovered partying in the park's main dune area on March 18th. One juvenile was arrested by park rangers, and an NPS vehicle was subsequently vandalized by the partiers. As rangers called for backup and headed back to the scene, the party began dissipating. One vehicle departed the scene at a high rate of speed and hit a car with four park visitors in it. Three were injured and the fourth later died. The driver of the first vehicle was found to be driving under the influence.

Great Smokies: The residence of the director of the Oconaluftee Job Corps Center was burned beyond repair on April 7th. Rangers are leading the investigation into the causes.

Shenandoah: Early in April, Shenandoah park rangers, US Fish and Wildlife and Forest Service special agents, Virginia Game Commission officers, Virginia State Police troopers and other local enforcement officers arrested 11 persons on 20 felony, 5 misdemeanor and over 100 state charges associated with poaching deer and black bear within the park. According to investigators, the animals were killed in the park, transported and dressed elsewhere, then sold to others - often across state lines. Two of the people arrested were charged with leading hunting parties into the park from a base camp located about two miles from park headquarters.

Operation of Emergency Vehicles

During the development of the new regulation to be codified in 36 CFR 4.3 (authorized emergency vehicles), an issue was raised outside the formal comment process which deserves additional discussion and explanation. Concerns were expressed about provisions found in many state vehicle codes and in NPS-9, Chapter 18, requiring both visual and audible warning devices to be activated in order for a vehicle to be considered an emergency vehicle. Several people felt that such provisions do not provide the degree of flexibility required in park areas, and that they subject operators of NPS emergency vehicles to unnecessary personal liability risks should they fail to comply with these rigid requirements during situations when use of either or both types of warning devices is commonly considered inappropriate, ineffective or counter-productive. A suggested solution was to supersede conflicting provisions of state law by providing a more flexible Federal regulation in 36 CFR 4.3 which would resolve both types of concerns.

Three key points were considered during the review of this issue by the Part 4 workgroup and a representative of the solicitor's office:

- In addition to NPS vehicles, other Federal, state and private emergency vehicles are routinely operated in most park areas. It was felt that all emergency vehicle operators in park areas should be held to the same basic standards, regardless of the employing agency or organization, with supplemental guidance provided by the policies of the respective agencies. The standard common to all is applicable state law.
- Under the Federal Tort Claims Act, a Federal agency's liability is determined on the basis of state law in effect at the time and location where an incident occurs.
- Federal employees certified by their supervisors to be acting within the scope of their employment (in compliance with law and policy) are not subject to personal liability for an incident arising from the operation of a government vehicle.

As a result of this review, the text of 36 CFR 4.3 - when read in conjunction with the revised definition of "authorized emergency vehicle" in 36 CFR 1.4 - now provides general authority, guidance and standards for operators of both NPS and non-NPS emergency vehicles within park areas. The regulation also provides appropriate levels of protection for both operators and the general public. It does not, however, address equipment specifications or the use of warning devices, as these subjects should be addressed by state law and the policy of the respective agency or organization. A revision of NPS-9, Chapter 18, has therefore been initiated to address more realistically the situations when the use of warning devices may not be appropriate in park areas, thereby providing operators of NPS emergency vehicles with a greater degree of flexibility in their use and a greater degree of protection from personal liability. The basic policy will stress compliance with applicable state law, but in cases where it provides for any deviation from state law, the NPS should be protected from agency liability under the Tort Claims Act if the reasons for such deviation can be articulated in terms of the NPS mission. By including such provisions in NPS policy, however, the Director becomes accountable rather than the emergency vehicle operator who is abiding by that policy. The operation of an NPS emergency vehicle outside park boundaries should be in compliance with state law.

Computer Program Available

Dave Montalbano at FLETC has a computer program for managing wildfire investigations which may be of interest to you. The program contains a master name file, a vehicle file, and incident file and a modus operandi file. Also included is a logistics and support file for documenting expenses for law enforcement operations. The program is designed to run with DBase III Plus and a hard disk drive on an IBM PC system. A floppy version will soon be available. If you'd like a copy of the program, call Dave at FTS 230-2685.

Recovering Costs from Permittees

Although a memo on the subject went out in early December, it appears that many people in the field remain unaware of the authority which Congress provided the Service this year for the recovery of unbudgeted costs associated with providing necessary services to permittees. The fiscal 1987 Appropriations Act (P.L. 99-591) says that the Park Service "may recover

unbudgeted costs of providing necessary services associated with special use permits, such reimbursements to be credited to the appropriation current at the time." Unbudgeted costs, which are to be accounted for under the newly-established PWE 457, are considered to be those that occur outside of a park's regular operating program, and may include items such as employee overtime, supplies, equipment use, utilities and other cost-incurring activities associated with the administration of special use permits during this fiscal year. See NPS-53 for further guidance.

Fees Update

Early in April, the House passed a bill (HR 1320) which would establish the Service's fee program over the coming years. This legislation would:

- extend the Land and Water Conservation Fund through the year 2015;
- set the Golden Eagle pass cost at \$25;
- establish a ceiling cost of \$15 for annual park passes;
- fix a maximum for entrance fees of \$5 per vehicle and \$3 per person (except at Yellowstone, Grand Canyon and Grand Tetons, where the maximums would be \$10 and \$5, respectively);
- eliminate fee collection from any units which are in urbanized areas and at which no fee was charged for admission prior to September 30, 1986 (an urbanized area is defined as "an area consisting of a central city or cities of at least 50,000 inhabitants and the surrounding closely settled area for the city or cities considered as an urbanized area by the Secretary of Commerce for general statistical purposes");
- require that the Service notify Congress of any proposed changes in entry fees within 60 days;
- raise the age limit below which children do not have to pay entrance fees from 12 to 16;
- permit fee collection by volunteers;
- channel fees into the Treasury for subsequent appropriation to the Service by Congress;
- return all fees collected to the parks - half directly to collecting areas and half to all parks proportionate to their budgets; and
- allow parks to carry over such funds from one fiscal year to the next in order to fund large projects.

It's important to note that the legislation in its final form will likely be modified to a lesser or greater degree. The Senate Energy and Natural Resources Committee will be holding hearings on one or more draft fee bills on April 27th, but it is as yet uncertain as to what form any Senate fees bill will take.

The implementation of the new fee program has by all reports gone quite well. The Department has eliminated fees at Independence due to the bicentennial of the Constitution, however, and Congress is considering eliminating them from the Statue of Liberty.

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The Ranger Activities Information Exchange is produced by the Washington Division of Ranger Activities. Address letters, comments and inquiries to: Bill Halainen, Ranger Activities (650), Stop 3310, National Park Service, Box 37127, Washington, D.C. 20013-7127; FTS 343-4874 or (202) 343-4874.

Ranger Activities Work Plans

The divisional work plans have just been completed, and will guide staff activities over the balance of the calendar year. Below is a summation of key aspects of those plans, which should give you a fairly accurate idea of staff projects and priorities. The work plans for the Branch of Fire Management will appear in the May Exchange:

Program Area	Objective	Priority	Specialist
Law Enforcement	Improve statistical reporting requirements	1	Zarger
	Revise NPS-44 firearms control	2	Zarger
	Evaluate regional/park needs to combat drug-related problems	1	Zarger
	Evaluate need for SET guidelines with regional chief rangers	2	Zarger
	Respond to Congressional intent for LE operations at Gateway/Golden Gate	1	Zarger
Fees	Re-write NPS-22	1	Rambur
	Design and issue park-specific pass	1	Rambur
	Develop guidelines for creating park passes	1	Rambur
	Develop SOP's for tracking fee revenues	1	Rambur
	Review additional areas for inclusion in system	1	Rambur
	Complete user fee comparability study	1	Rambur
Wilderness Management	Develop strategy for implementing wilderness task force recommendations	1	RS*
	Revise management policies chapter on wilderness management	1	RS*
Communications	Prepare monthly issues of <u>Exchange</u>	1	Halainen
	Expand telecommunications network to include all regions, BIFC, FLETC	1	Halainen
Management Policies	Complete revisions of Part VII	1	Kreis

Program Area	Objective	Priority	Specialist
Campground Reservations	Implement new Ticketron contract	1	RS/Ward*
	Visit areas affected by new contract	1	RS/Ward*
	Prepare list of potential additions to system	3	RS/Ward*
Uniforms	Increase replacement allowances	1	Halainen
	Review/revise phone ordering system	1	Halainen
	Evaluate use of status reports	2	Halainen Warner
	Prepare uniform video/poster	2	Halainen
Grazing	Prepare summary on extent and types	1	Halainen/RS*
	Review grazing policies and evaluate need for revision/clarification	1	Halainen/RS*
	Initiate grazing phaseouts/AUM purchases where possible	1	Halainen/RS*
025 Comparability	Participate in, provide input and review all group documents	1	Dabney Fraire
	Present position mgmt. training sessions to all chief rangers	1	Dabney
	Prepare articles on same	1	Dabney
Regulations	Complete revision of 36 CFR Part 4	1	Ringgold
	Complete analysis of commercial fishing throughout System	1	Ringgold Dawson
	Prepare briefing/decision paper on commercial fishing	2	Ringgold
	Clarify 36 CFR Part 1/2 regs on legislative jurisdiction	3	Ringgold
	Assist field areas in review, edit & writing of rulemaking documents and notices	1	Ringgold
	Develop written SOP's for developing/processing regs	3	Ringgold

Program Area	Objective	Priority	Specialist
Jurisdiction	Update/computerize master files	2	Ringgold Kreis
	Submit above to field for review and develop updated schedule for implementing concurrent	2	Ringgold
	Assist RO's in review, edit & writing of cessions/retrocessions	1	Ringgold
	Develop written SOP's for reviewing/executing transfers of legislative jurisdiction	3	Ringgold
Rights-Of-Way	Develop strategy for revision of NPS ROW regs in 36 CFR Part 14	1	Ringgold
	Assist field and RO's in review, edit & writing of ROW documents	1	Ringgold
	Develop written SOP's for reviewing, processing and issuing ROW's	3	Ringgold
Aircraft Management	Improve aircraft management in NPS & provide liaison to DOI, OAS, field	1	Farabee
	Complete and issue NPS-60	1	Farabee
EMS	Pursue recognition/acceptance of NPS-51 by all states	1	Farabee
SCUBA	Complete and issue NPS-4	3	Farabee
Health & Fitness	Develop and issue memo providing guidance for physical exercise and use of NPS funds for purchase of health/recreational equipment	1	Dabney Cripe
	Develop draft of NPS-57 (H & F)	2	Farabee
Structural Fire	Complete and issue NPS-58	1	Kreis

*Resource Specialist