

CLEAR TEXT:
WASO Ranger Activities'
Electronic Newsletter

June 18, 1993

ENHANCED ANNUITY RETIREMENT

Directory Kennedy has signed a memorandum to the Assistant Secretary, Policy, Management and Budget entitled "Request for Assistance on Enhanced Annuity Retirement." Portions of the text follow:

"National Park Service (NPS) law enforcement rangers are presently not afforded appropriate pay and retirement benefits for their law enforcement duties. Virtually every other agency with major criminal investigative responsibilities, including the Bureau of Indian Affairs (BIA) with the Department of Interior, has obtained these compensation benefits for their law enforcement workforce.

"As a result of the Vail Symposium, the NPS has developed a Ranger Futures Initiative. Enhanced annuity retirement is a key element of the Ranger Futures Initiative. It is needed to ensure equitable management of the workforce, maintain vigorous and physically capable rangers, strengthen the Service's recruitment and retention efforts, and provide appropriate benefits for our employees. As a core occupation, the NPS ranger is among the lowest paid and most poorly compensated members of the Federal workforce. The NPS has 3600 permanent rangers. The law enforcement enhanced annuity program is targeted for 1200 of those rangers whose primary duty is resource-based conservation law enforcement.

"The recent NPS position on this issue, advanced by Acting Director Jack Davis, makes good sense to me..."

On another front, the Merit System Protection Board (MSPB) held a hearing on Gettysburg ranger Tim Sorber's appeal of OPM's denial of his claim for past coverage in Harrisburg, Pennsylvania, on June 8th. MSPB is expected to rule on the case within the next few weeks.

INCIDENT REPORTING

On June 15th, Jack Davis, the Associate Director, Operations, signed a memorandum entitled "Revised Incident Reporting Procedures" which provides guidance on submission of incident reports to WASO. This memorandum was transmitted to the regions for distribution yesterday. Because of the timeliness of the information in the memo and because the signed version is in the process of being formally transmitted to you, we are providing an advance copy as an attachment to this issue of CLEAR TEXT.

Please note that all Level I and Level II incident criteria remain the same. The primary change is in the notification procedure for Level I incidents. As noted in prior messages to you, Ranger Activities now has a duty officer who can be reached 24 hours per day by pager. The duty officer's responsibility is to forward all Level I reports to the Departmental duty officer, who sends those with major significance to the White House Situation Room, and to notify the NPS Directorate, Office of Public Affairs and Branch

of Loss Control Management.

Please keep in mind that some incidents that should be reported immediately do not fall within the Level I criteria. These include incidents which attract national media attention. If CNN and the network evening news teams are on their way, you can be pretty sure that the Director, Secretary and, on occasion, the President all want to know what's going on.

APPELLATE COURT DECISION

On June 15th, the U.S. Court of Appeals, Eighth Circuit, reversed a district court order regarding the removal of free-roaming wild horses from Ozark National Scenic Riverways. Because of the intense local opposition to the removal plan developed by the park, a group of local citizens filed action in federal district court seeking an injunction to block the removal of the horses. After a trial on the merits, the district court issued a permanent injunction under the "arbitrary and capricious" standard pursuant to the Administrative Procedures Act. The district court found that the decision to remove the horses was a clear error in judgment because the evidence at trial did not show the horses to be detrimental to the use of the park, and that the allegations of damage to park resources were exaggerated. The district court also found that the park failed to consider whether the wild horses were a cultural or historical resource.

The appellate court, in reviewing the case, concluded that there was "sufficient evidence in the record to support the Secretary's decision and that the decision was not arbitrary and capricious." They supported their conclusion with the 1916 Organic Act (16 USC §3), and a 1969 decision of the Tenth Circuit, New Mexico State Game Commission v. Udall. This decision interpreted the Organic Act as follows:

"The obvious purpose of this language is to require the Secretary to determine when it is necessary to destroy animals which, for any reason, may be detrimental to the use of the . . . park. [The Secretary] need not wait until the damage through overbrowsing has taken its toll on the park plant life and deer herd before taking action no less than [the Secretary] would be required to delay the destruction of a vicious animal until after an attack on a person."

This decision is important in further supporting and reaffirming the discretionary authority of the National Park Service to manage wildlife and park resources.

ROCK CLIMBING

The advance notice of proposed rulemaking regarding rock climbing was published in the Federal Register on June 14, 1993. This notice outlines some of the NPS concerns regarding resource and other impacts of rock climbing, summarizes current policies regarding rock climbing, and requests comments from any interested person on the need for future regulatory actions. The intent of any rulemaking would be to (1) clarify that climbing is a generally allowed activity in parks; (2) clarify the role of individual parks in managing climbing; (3) address certain climbing practices having permanent or cumulative effects, such as the use of power drills; and (4) address climbing in designated wilderness.

We are specifically asking for comments from the public on (1) the need and extent for such regulatory action; (2) the use of bolting and the placement of fixed anchors; (3) the associated impacts of climbing, such as sensitive

plant and wildlife communities, impacts to cultural resources, etc.; and (4) the management of climbing in designated wilderness.

Ranger Activities will be accepting comments from the public for the next 90 days. Copies of this notice have been sent to each regional chief ranger, and are also available by cc:Mail or fax to any park that wants a copy. If you have questions, please call Tony Sisto at 202-208-4874.

SPECIAL USE CLIMBING FEE

The Department has directed the Service to explore the establishment of a trial program which might require that the victims of some climbing accidents at Mount Rainier and Denali help pay for searches and/or rescues for them. The Secretary is concerned with the escalation of costs of such rescues to taxpayers and the hazards incurred by park rescue personnel. On Mt. McKinley, for example, there were 23 rescues and 11 fatalities in 1993 and the Service paid over \$200,000 in rescue operations.

At the Department's direction, we are currently looking at the development and implementation of a prototype fee system at Denali next year and a possible expansion of the current program at Mt. Rainier in the near future. We're also examining the possibility of establishing an advance registration system at Denali to augment the existing system.

WILDLAND FIRE ENTRAPMENT/FATALITY INITIAL REPORT

The National Wildfire Coordinating Group's fire entrapment/fatality initial report form has been revised to make it easier to use and to provide better information about entrapments and fatalities on fires.

The form, which is now available through NIFC's Publications Management System, should be distributed immediately to all appropriate personnel. Instructions for its use are printed on the form itself. Respondents are not required to submit all relevant information on the initial report form. Neither confidential nor sensitive information need be disclosed on the form.

Completed forms should be submitted to NIFC within 24 hours of an incident.

INCIDENT MANAGEMENT QUALIFICATIONS

NWCG has approved a significant change in the incident management qualifications system. The new direction emphasizes performance-based qualifications instead of training-based standards. The conversion was made to sustain performance and reduce formal training costs; it recognizes the reality and benefits of actual, on-the-job training and demonstrated abilities.

This change alone will not guarantee a satisfactory inventory of incident management personnel. Agencies and geographic coordinating groups (formerly known as geographic boards) must strongly commit to ensuring that training specialists and trainees are provided training opportunities on incidents as routinely as possible in order to effectively implement this performance-based system.

It's recognized that incident costs will increase, but these costs are more than offset in the long run by reducing formal training costs. On-incident training is the only reasonable option for achieving the new standard. Once implemented, all coordinating agencies will collectively benefit through development of better qualified incident management personnel.

NOTES FROM THE PARKS

North Cascades

On June 4th, the U.S. District Court for the Eastern District of Washington issued a summary judgement recognizing the NPS ownership of the Stehekin Valley road. Chelan County quitclaim deeded the road to the United States in 1970, but the county passed a resolution attempting to rescind the transfer in July of 1991 in a dispute over NPS regulation of commercial activity. In response to the county's attempt to interfere with NPS maintenance and administration of the road, the U.S. attorney filed a motion to gain quiet title. Judge Alan McDonald granted summary judgement on the grounds that the deed transferring ownership of the road to the U.S. was valid, that the county did not retain the right to rescind the deed, and that the 12-year statute of limitations - during which the county could appeal the transfer - had expired. Chelan County has 90 days in which to appeal the ruling. [David Spirtes, CR, NOCA]

Ozark

During the past year, Ozark rangers taught the DARE program in ten schools covering four counties surrounding the park. Over 600 students graduated from these NPS-taught programs. This year's program and graduation culminated with a ceremony renaming a street in Van Buren, Missouri, where park headquarters are located, as "DARE Street". Since the inception of the DARE program by Ozark rangers three years ago, over 1500 students have graduated from the program. The program employs NPS DARE boats, which were donated by Bass Pro, Inc., which is headquartered in nearby Springfield, Missouri. The park's philosophy is that the summer months are probably among the most crucial for youth to be involved with special projects. A workshop is accordingly held during summer months which involves young children from the surrounding communities with the park. Over 100 children were involved in these workshops last year, and it's anticipated that an even higher number will be involved this summer. [Rick Drummond, MWR DARE Coordinator, OZAR]

Pinnacles

On May 21st, approximately 500 fifth grade students graduated from NPS-sponsored DARE classes in two schools in Hollister, California. Rangers Beth Martin and Alan Cline, who instructed the DARE program for the entire semester, headed up the ceremonies, which were attended by parents and teachers from both schools. Superintendent Jim Sleznick and the local chief of police and county sheriff spoke at the ceremonies; Mike O'Neal, the law enforcement specialist for WRO, represented the region. Over 2,000 students have received DARE training from NPS rangers over the past four years. [Bill Lester, CR, PINN]

Indiana Dunes

As was noted on the morning report (incident 93-314, June 3rd), a person or persons stole an honor system fee canister used to collect camping fees from the Dunewood Campground on May 29th. The canister was held in place by a single, standard Best lock. The canister and the shell into which it is inserted are made by Knouff and Knouff, Inc. There was no damage to the shell. Any area with a similar type system which has experienced theft problems is asked to contact the park at 219-926-7561, extension 312. [Joni Jones, INDU]

VACANCIES AND OPM REGISTER OPENINGS

Zion

The park has an open merit promotion announcement for a GS-025-07 backcountry park ranger. The announcement, RMR-93-11, opened on June 3rd and closes on Wednesday, June 23rd. This is a law enforcement position with required drug testing and required occupancy. Applications should go to personnel in RMRO. For more info, call Sharon Huber, personnel assistant at Zion.

OPM Registers

Position	Closes	Number	Description
GS-025-5	6/30/93	93-04	Position located in Berlin, MD. For more info, call Doug Cousins at 410-641-1443 in Baltimore.
GS-025-7	6/23/93	PM1219	Position located in Bar Harbor, ME. For applications, call 617-565-5900 in Boston. Required: Skill in operating and navigating large vessels, including operating radar, compass and fathometer. STF; employed from Feb to Nov.

QUESTIONS?

Is there something you'd like to know about that we can answer? Let us know and we'll publish the question and answer in an upcoming edition of Clear Text. Please be sure to specify that the question is for response in this newsletter, as questions also come in via cc:Mail which are for individual staff member response. If you've got a question that needs answering, it's likely that other rangers will also be interested in the reply.

Clear Text is the bi-weekly electronic newsletter of the Ranger Activities Division in WASO. It is distributed via cc:Mail to all ranger training and operations centers (FLETC, HOAL, STMA, NIFC), regional office ranger divisions, park chief rangers, and other interested parties. If you would like to get it but don't currently receive it, please advise Ranger Activities via a short cc:Mail message. Any office may receive it, including districts and subdistricts within a park. PLEASE pass it along to others in your division and park.

Prepared by WASO Division of Ranger Activities

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