

**CLEAR TEXT:**  
**WASO Ranger Activities'**  
**Electronic Newsletter**

March 12, 1993

EDITOR'S NOTE

This edition of Clear Text is a bit shorter than usual, partly because several matters are pending and can't be reported until the next issue, partly because it is being composed from a remote location. We will have more information in the March 26th issue.

In response to several requests, a Word Perfect 5.1 version of the newsletter will now be attached to each edition so that you can either print the on-screen version or download the Word Perfect version for local printing.

WILDERNESS MANAGEMENT

A two-day symposium on fire in wilderness and park management will be held in Missoula, Montana, immediately before the 1993 conference on the limits of acceptable change in the national wilderness preservation system. The purpose of the symposium is to increase knowledge and awareness among wilderness managers, fire managers, and the general public regarding the issues, problems, and capabilities affecting attainment of wilderness objectives with fire management programs. Symposium topics include the evolution of fire in wilderness management, attaining fire and wilderness goals and resolving conflicting goals, political issues in management of fire and wilderness, planning considerations, public information on active fires, and restoration and rehabilitation. During the plenary session, the Honorable Bruce Vento, Chairman of the House Subcommittee on National Parks, Forests, and Public Lands, will address the symposium on the political considerations of park and wilderness management.

The symposium is being sponsored by the NPS, the Forest Service, the Bureau of Land Management, the Fish and Wildlife Service, the Wilderness Society, the National Wildfire Coordinating Group, the Renewable Natural Resources Foundation, the Society of American Foresters, and the University of Montana. Information on registration may be obtained by contacting the University of Montana, Conference and Institutes, Center for Continuing Education, Missoula, Montana 59812, or by calling either 406-243-4623 or 243-2900.

CHIEF RANGERS' DIRECTORY

We have received many corrections from you for the chief rangers' directory which was transmitted as an attachment to Clear Text last month. Those have been incorporated into the final version, which will be sent out on March 26th. If you have any other corrections, please send them to Bill Halainen at WASO Ranger Activities before that date.

COUNTER-NARCOTICS TRAINING

There will be a counter-narcotics and special operations training course at Organ Pipe Cactus from April 19th to the 30th. The course, which is funded by this office, is designed for field law enforcement rangers who are involved in counter-narcotics and/or other special operations. One- page

nomination forms should be faxed to Aniceto Olais, the chief ranger at Organ Pipe, at 602-387-7661 extension 2. Nominations must be in by March 15th.

#### NOTES FROM THE PARKS

##### **Yosemite**

On February 22nd, the United States Supreme Court issued a summary reversal of a Ninth Circuit ruling in the United States v. Jerry Nachtigal regarding the right to a jury trial for a person charged with driving under the influence. Nachtigal was arrested on September 20, 1989, for driving under the influence of alcohol and/or drugs after a single-vehicle accident in the Wawona District in which he suffered a number of injuries and had to be extricated from his vehicle. The arresting ranger was Jeffrey Lynn. Nachtigal was scheduled to appear in Yosemite magistrate's court that fall, but the case was twice continued. On January 18, 1990, Nachtigal refused magistrate's jurisdiction and the case was transferred to Fresno. The magistrate there denied Nachtigal's motion for a jury trial, applying the Supreme Court decision in Blanton v. North Las Vegas (489 U.S. 538, 1989). On appeal, the district court judge reversed the ruling. The case was appealed to the Ninth Circuit, where a panel of three justices affirmed the district court's ruling in an unpublished opinion. The United States again appealed, this time to the Supreme Court, and was granted relief in an unprecedented summary judgement petition for writ of certiorari, with no dissenting justices. The court wrote: "We hold that the Court of Appeals was wrong in refusing to recognize that this case was controlled by our opinion in Blanton, rather than by its previous opinion in Craner. An individual convicted of driving under the influence in violation of 36 CFR 4.23(a)(1) (1992) is not constitutionally entitled to a jury trial. The petition of the United States for certiorari is accordingly granted, and the judgement of the Court of Appeals is reversed." If you'd like more information on this case, contact Scott Connelly, Yosemite's legal officer, at 209-372-0243.

##### **Golden Gate**

On February 19th, a hearing was held in U.S. District Court in San Francisco on whether or not to grant the Bicycle Trails Council of Marin (BTC) an injunction against the Service enforcing its newly promulgated special regulations while BTC pursues its lawsuit against the regs. During the hearing, Judge Eugene Lynch posed the following question to the BTC attorney, who's also an avid mountain biker: "Is there nowhere else to ride in Northern California?" Judge Lynch declined to grant the injunction and ruled that the Service could begin enforcing the law. Rangers accordingly began enforcing the regs throughout the park. On the first day, March 6th, they issued for citations for possession of bicycles on non-designated routes under 36 CFR 7.97(c). The bail schedule calls for \$25 fines for exceeding speed limits and \$50 for failure to possess or use lights after dark.

##### **Lyndon B. Johnson**

The park reports that they have what they believe to be the first mother-daughter team of commissioned rangers in the NPS, and would like to know if there are any other mothers and daughters who both hold commissions anywhere in the Service. If so, send a note to Evelyn Klein at LBJ.

PARK VACANCIES AND OPM REGISTER OPENINGS

**Dinosaur**

The park is looking for any NPS staff members who would be available to come out for a few weeks on a detail to help on river running operations during the high-water run-off period. Although they don't have funds to assist with travel or per diem, they can offer "a quality experience and some added training." High water this year should be at the end of May and into the first week of June. If you're interested, contact Ed Pontbriand at Dinosaur via cc:Mail - he's listed by name on your directory.

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.

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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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