



## STATUS OF NPS-9

NPS-9 is still being revised. Current plans are to get a draft out for initial review by the end of the summer.

In general, major revisions are designed to incorporate language and policies which are in compliance with the new DM-446, as well as the organizational position on law enforcement in the ranger workforce. We're striving to attain greater standardization and to recognize our rangers as dedicated (both figuratively and literally) law enforcement professionals with an affirmative DUTY to appropriately exercise their special authorities in support of the agency mission. The "ethics" or "conduct" sections have been expanded significantly, borrowing substantially from Park Police General Orders.

Sections dealing with commissioning procedures and related issues will be the last to be circulated, as we wait to see how the streamlining and reorganization effort unfolds. It is quite possible that these sections will not be finalized or released until well after the rest of NPS-9. The impacts of Ranger Careers, as well as changes in the chain-of-command, will have direct bearing on hiring, commissioning, review, and revocation procedures - and these cannot be included until we know how the agency organization will look.

## FEE PROGRAM UPDATE

Energies of the Ranger Activities fee program and the WASO Legislative Affairs office have been focused on the Service's Entrepreneurial Management Reform Act, known in some quarters as the fee legislation. The bill has been marked up in the House Subcommittee on National Parks, Forests, and Public Lands and passed on to the Committee on Natural Resources. We expect a mark up on the legislation during the first week of August. Although it has been moved forward as amendments to the Land and Water Conservation Fund Act rather than as a stand alone bill, as the Service proposed, it still retains many of the Service's goals. The Director testified on behalf of the bill on July 28th before the Senate Subcommittee on National Parks. The status of the legislation is cloudy at this time, as strong reservations remain about passing it without assurances that any increase in fee revenues to the parks will not be offset in budget allocations. Stay tuned.

The regional fee coordinators met in Glacier during the week of July 11th to the 15th. The meeting focused on the status of the 15% cost of collection monies distributed to the parks for FY 94 and strong concerns about parks meeting their projected collections. As of July 17th, collections were lagging behind projections. Other issues discussed were the allocation of the 15% cost of collection monies through the FARMCON system, which is modeled on the FIREPRO concept. A work group will be meeting in Seattle in August to "test drive" the FARMCON model and to develop FY 95 collection allocations. The group also discussed the fine tuning of commercial tour fees, FTEs tied to the 15% cost of collection monies, use and support of VIPs to assist in fee collection, boat launch fees, benchmark PDs for seasonal and permanent fee collection personnel, finalization of a draft policy for fee collection at specialized outdoor recreation sites (SORS), and field audits of the 15% cost of collection monies for FY94.

## PROPOSED RIGHTS-OF-WAY RULES

The Department has proposed rules aimed at settling long-standing confusion over the existence and management of many rural Western rights-of-way across public lands. If adopted, the regs will establish an orderly process for three Interior agencies - NPS, BLM and Fish and Wildlife - to verify highway rights-of-way claimed by state and local governments under a now repealed 1866 law.

Revised Statute 2477 (RS 2477), adopted in 1866, granted a right-of-way for the construction of highways on public lands not reserved for public uses. Although RS 2477 was repealed with the passage of the Federal Land Policy and Management Act (FLPMA) in 1976, its impact is still being felt because highways constructed before the repeal were not extinguished by the new law (other contemporary statutes now authorize access to federal lands). RS 2477 contained no process for notifying the federal government of rights-of-way or for documentation in the public land records. No one therefore knows how many RS 2477 rights-of-way exist or where they are.

The proposed regulations would clarify the meaning of important terms in RS 2477 and establish a process for determining how many claims are valid and where they are. At present, the only way a state or county can legally confirm the existence of an RS 2477 right-of-way is by filing a lawsuit against the federal government.

Under the proposed regs, the definition of "highway" would require that a right-of-way be a public thoroughfare used for the passage of vehicles carrying people or goods from place to place. This contrasts with a 1988 Departmental policy that would have in some instances considered a foot or animal trail as a "highway." Similarly, the definition of "construction" in the proposed regulation would require evidence of "an intentional physical act" to prepare "a durable, observable, physical modification of land for use by highway traffic." The 1988 policy would have accepted mere use or passage as sufficient to "construct" a "highway." The proposed regs would supersede that policy.

The draft regulations also set up a process for claimants to present evidence of their rights-of-way claims and for the agencies to process them. The proposal would require public notice of claims and would establish an appeals procedure from agency decisions. The draft regulations also impose a time limit for filing claims, which would have to be submitted within two years after the final rule becomes effective.

### BRIEFLY...

\* A health and fitness coordinator training class for those individuals who will be responsible for development of a park or regional health and fitness program has been scheduled for Cincinnati, Ohio, for the week from August 29th to September 2nd. The class is limited to 30 NPS participants and is being funded through the Albright Training Center and coordinated by Karen Gustin of the Center, who can be reached at (602) 638-2691.

\* Six Personal Locator Beacons (PLB) have been purchased by the NPS and issued to the chief ranger Jay Wells and his staff at Wrangell-St Elias. They are presently working with the Alaska State Highway Patrol and AFRCC at Elmendorf Air Force Base to receive and manage any incoming emergency distress calls received from the PLBs.

\* The Secretary of the Interior has delegated authority to all bureau

Assistant Secretaries to manage their own Valor Awards program presentations. Park managers may contact Deborah Martin at (202) 208-4434 for further information on this subject.

\* All NPS SCUBA diving statistics for this calendar year will be available as of August 31st.

#### FIELD NOTES

##### **Devils Tower**

The park has released a draft climbing management plan for public comment. The draft plan has been in the making for over a year and is the focus of intense local and national interest. Devils Tower is considered a sacred site to American Indians and some believe that climbing on it is sacrilege. The tower, however, is also acclaimed as one of the premier crack climbing areas in North America and boasts a colorful 100-year climbing history. A work group was assembled to help draft the plan's management alternatives which included American Indians, climbers, environmentalists and a local elected official. The preferred alternative calls for a voluntary closure to climbing during June out of respect for cultural beliefs of American Indians, a cross-cultural education program, no new bolting, and replacement of existing bolts by permit or registration. A 90-day public comment period is scheduled for the period from August 1st to October 31st, and public meetings are scheduled this fall. To receive a copy of the plan, call the monument at 307-467-5283 or send a cc:Mail message to DETO Ranger Activities with your name and address. [Jim Schlinkmann, CR, DETO]

##### **Indiana Dunes**

David G. Dutko, 39, passed away from cancer Monday morning, July 11th, at his home in Kremmling, Colorado. Dave began working for the NPS in 1972 as a seasonal park ranger at Indiana Dunes. He received permanent status with the Corps of Engineers in 1979 and returned to the NPS at Indiana Dunes in 1980. Sue Kylander, Dave's wife, began her NPS career in 1975 at Grand Teton. She also worked at Fort Laramie as a park ranger and transferred to Indiana Dunes as a subdistrict ranger in 1980. Dave and Sue got married in 1983; they both resigned from the Service in 1984 when Dave was accepted to dental school. Dave and Sue established a dental practice in Kremmling in 1989, where Sue will continue to live. Messages and notes may be sent to Sue Kylander Dutko at P.O. Box 603, Kremmling, CO 80459. [Kurt Topham, WIHO]

#### PARK EXCHANGE

##### **WASO Ranger Activities**

The Branch of Fire and Aviation Management has five indoor/outdoor display panels of varying sizes that they're parting with - four are covered with exhibit fabric, the fifth has a painted backdrop of an outdoor scene. They'd like to see the boards located within NCR so that they could be used in the future. Please call Dana Dierkes at 202-208-5573 with questions or to make arrangements.

#### VACANCIES, REGISTER OPENINGS AND DETAILS

No listings.

DIVISIONAL TRAVEL

\*\*\*\* AUGUST \*\*\*\*

8/1 - 8/20 Gale Detail, acting chief, Branch of Fire & Aviation  
Management  
8/1 - 8/11 Broyles NWCG training working team meeting, Denver, CO  
8/7 - 8/9 Hurd OAS-related travel to Phoenix, AZ  
8/8 - 8/10 Spruill AMWG meeting, Denver, CO  
8/8 - 8/11 Broyles NWCG working team meeting,  
  
Denver, CO  
8/8 - 8/12 Henry Interagency aircraft issues field review (DOD),  
PNR  
8/9 Dierkes Smokey Bear's 50th anniversary celebration,  
Washington, D.C.  
8/9 - 8/10 Hurd OAS-related travel to Atlanta, GA  
8/11 - 8/12 Burnett Annual leave  
8/14 - 8/21 Brady Performance management meeting,  
Boise, ID  
8/15 - 8/19 Botti, Berg Fire program review, Dinosaur NM, CO  
8/15 - 8/23 Marriott Annual leave  
8/22 - 8/25 Gale Training task force, Atlanta, GA  
8/22 - 8/26 Stone FARMCON budget allocations, Seattle, WA  
8/24 - 8/26 Henry Preparation for interagency wilderness  
conference, Santa Fe, NM  
8/27 - 8/31 Farrel International Association of Fire Chiefs annual  
meeting, St. Louis, MO

\*\*\*\* SEPTEMBER \*\*\*\*

9/1 - 9/2 Henry Finalize aircraft overflight report to Congress,  
Boston, MA  
9/3 - 9/9 Zimmerman Review of hazard fuel reduction proposals, DENA  
and WRST, AK  
9/6 - 9/8 Farrel,  
Hurd NWCG meeting, Minneapolis, MN  
9/7 - 9/11 Lee Attendance at the National Outdoor Leadership  
School, Conway, WA  
9/12 - 9/17 Clark S590 cadre meeting, S590 instructor, NARTC,  
Marana, AZ  
9/13 - 9/14 Gale Presentation on area command/all-risk incident  
management, WI  
9/14 - 9/15 Crabtree NFIC conference, Bellevue, WA  
9/16 Henry WRO training session on aircraft  
overflight issues, Las Vegas, NV  
9/17 - 9/21 Farrel Metro fire planners conference, Tigard, OR  
9/19 - 9/23 Marriott,  
Berkowitz Society for American Archeology, Breckenridge,  
CO

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If you would like to get CLEAR TEXT 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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